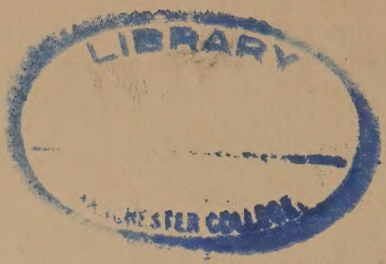
THEODORE ROOSEVELT

THE LOGIC OF HIS CAREER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THEODORE ROOSEVELT

THE LOGIC OF HIS CAREER

BY

CHARLES G. WASHBURN

LONDON
WILLIAM HEINEMANN

LONDON, WILLIAM HEINEMANN, 1916.

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TO

The Wife, the Children, and the Grandchildren

OF

THEODORE ROOSEVELT

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THEODORE ROOSEVELT

CHAPTER I

FROM THE TIME OF HIS GOING TO COLLEGE IN 1876 UNTIL HE BECAME PRESIDENT IN 1901

I HAVE known Theodore Roosevelt since we entered Harvard together in the autumn of 1876. I knew him intimately in college; and, while I have seen him only at irregular intervals since we graduated in 1880, I have always followed his career closely and with the most intense interest. Through all these years I have had very definite views of his character which I have never seen any occasion to change. These views differ radically from those held by many people. I purpose to express them here, and if no one shall find the recital either instructive or interesting, it will at least be a satisfaction to me to leave a record of my estimate of a man whom I have known and loved for nearly forty years. This is in no sense a history or even a finished sketch of his life. It is a record of my personal impressions, fortified by such facts as

would seem to justify my conclusions, and with no attempt to secure a complete perspective, through the relative amount of detail with which Roosevelt's characteristics and the events of the time are discussed.

In order to make the trend of my discourse clear, I will say at the outset that my purpose is to give the reasons upon which I base my conclusion that Roosevelt has never been a "politician"; that his opinions, regarded by many as radical and by some as even revolutionary, were carefully considered for many years before they found expression; and that in the campaigns of 1912 he was seeking to advance a cause and not any personal ambition. I shall discuss some of the great questions with which he dealt, and shall not even refer to others perhaps equally or more important. Incidentally I shall give my reasons for believing that Roosevelt is, and always has been, a person of great simplicity of character, of the highest ideals, and with a wider range of genuine human sympathies than any other man who ever occupied the Presidential office. I say wider range of genuine human sympathies, not deeper sympathies, for I have Lincoln in mind. I shall at-

tempt to account for his great popularity and to state the reason why he deliberately and unselfishly, as I believe, chose a course which, for the time being at least, has cast a shadow upon his pathway.

I will say here, lest I forget to say it elsewhere, that the qualities I knew in the boy are the qualities most observed in the man, and that of all the men I have known for as long a time he has changed the least.

As a boy in college, he was a good student, but not a "grind"; he entered into and enjoyed every phase of college life — intellectual, physical, social; he was popular with all, loved by many; the natural sciences, history, and political economy were the studies that interested him most; he had honorable mention in natural history, had a Commencement part, and was a member of the Phi Beta Kappa. He was intense in everything he did; his occupation for the moment was to the exclusion of everything else; if he were reading, the house might fall about his head, he could not be diverted. This power of concentration, a great gift, is one which has contributed so largely to his ability to accomplish so much in so many fields of activity.

He was fond of athletics, but never greatly excelled; he never claimed to: he did the best he could. Boxing was his favorite sport, but he was greatly handicapped because he was near-sighted. Many people have said that Roosevelt wore glasses when he boxed. Referring to this, he once said: —

> No human being could box with spectacles or glasses on. It would be absolutely certain that he would have them broken in the first minute or two, and in all human probability he would then be blinded permanently. The usual result when I boxed with any really first-class man . . . was that I got thoroughly well pounded, and with no one of those men would my glasses have lasted thirty seconds.

He had a lively sense of humor. I remember well with what glee he told us that he had gone to Boston to get a basket of live lobsters for laboratory purposes, and on the way back they escaped, much to the consternation of the women in the horse-car.

His love for the open was in constant evidence. During the intervals in the semi-annual examinations it frequently happened that a boy would have a little time at his disposal. "Teddy" would take advantage of the opportunity to go to the Maine woods to hunt and

THEODORE ROOSEVELT

At the time of his Graduation in 1880

trap. He would come back with tales of exposure and hardship, as it seemed to us, which he had enjoyed. He was then, as a boy, in a class by himself, as he has been ever since.

"Teddy," as he was called in college, was always immune from the criticism which would be visited upon another under the same conditions.

He was far from being a ready speaker. I remember that at the "Pudding," we often incited a discussion for the purpose of rousing "Teddy." In his excitement he would sometimes lose altogether the power of articulation, much to our delight. He had then almost a defect in his speech which made his utterance at times deliberate and even halting. It became evident very early that Roosevelt was a person *sui generis*, and not to be judged by the ordinary standards, and very early in our college life I came to believe in his star of destiny. I once received a note from him, of no great consequence which I carefully preserved, thinking, as I said at the time, that some day it would possess a peculiar value.

Roosevelt was married in October, 1880; he spent the summer of 1881 in Europe, and while

in Switzerland made the ascent of the Matterhorn and the Jungfrau — the initiatory experience of so many explorers.

His entrance into politics can best be recorded by the introduction here of his appeal to his constituents dated November 1, 1881, and his endorsement by certain residents of the 21st Assembly District in New York: —

NEW YORK, November 1st, 1881.

DEAR SIR,

Having been nominated as a candidate for member of Assembly for this District, I would esteem it a compliment if you honor me with your vote and personal influence on Election day.

Very respectfully,

THEODORE ROOSEVELT.

TWENTY-FIRST ASSEMBLY DISTRICT

40th to 86th Sts., Lexington to 7th Aves.

We cordially recommend the voters of the Twenty-first Assembly District to cast their ballots for

THEODORE ROOSEVELT

for Member of Assembly,

and take much pleasure in testifying to our appreciation of his high character and standing in the community. He is conspicuous for his honesty and

integrity, and eminently qualified to represent the District in the Assembly.

New York, November 1st, 1881.

F. A. P. Barnard, William T. Black, Willard Bullard, Joseph H. Choate, Wm. A. Darling, Henry E. Davies, Theodore W. Dwight, Jacob Hess, Morris K. Jesup, Edward Mitchell, William F. Morgan, Chas. S. Robinson, Elihu Root, Jackson S. Schultz, Elliott F. Shepard, Gustavus Tuckerman, S. H. Wales, W. H. Webb.

At about this time I wrote him a letter evidently containing some jocular charge that he had become a politician, for I received the following reply: —

6 W. 57 St.,
New York,
Nov. 10, '81.

Too true, too true; I have become a "political hack." Finding it would not interfere much with my law, I accepted the nomination to the Assembly and was elected by 1500 majority, leading the ticket by 800 votes. But don't think I am going to go into politics after this year, for I am not.

This letter is evidence that Roosevelt at that time had a serious purpose to become a lawyer and had no intention of remaining in politics. His chief interest in the Legislature is thus described in his own words: —

I paid attention chiefly while in the Legislature to laws for the reformation of Primaries and of the Civil Service and endeavored to have a certain Judge Westbrook impeached, on the ground of corrupt collusion with Jay Gould and the prostitution of his high judicial office to serve the purpose of wealthy and unscrupulous stock gamblers, but was voted down.

This has a familiar sound: the reform of what he regarded as abuses was Roosevelt's occupation thirty years ago and has been ever since.

Contrary to the purpose expressed in the letter I have quoted, Roosevelt was again a candidate in 1882 and ran 2000 ahead of his ticket. He was nominated as the Republican candidate for Speaker in 1883, but as his was the minority party, the nomination was a mere compliment.

"Harper's Weekly" for April 21, 1883, said of him: —

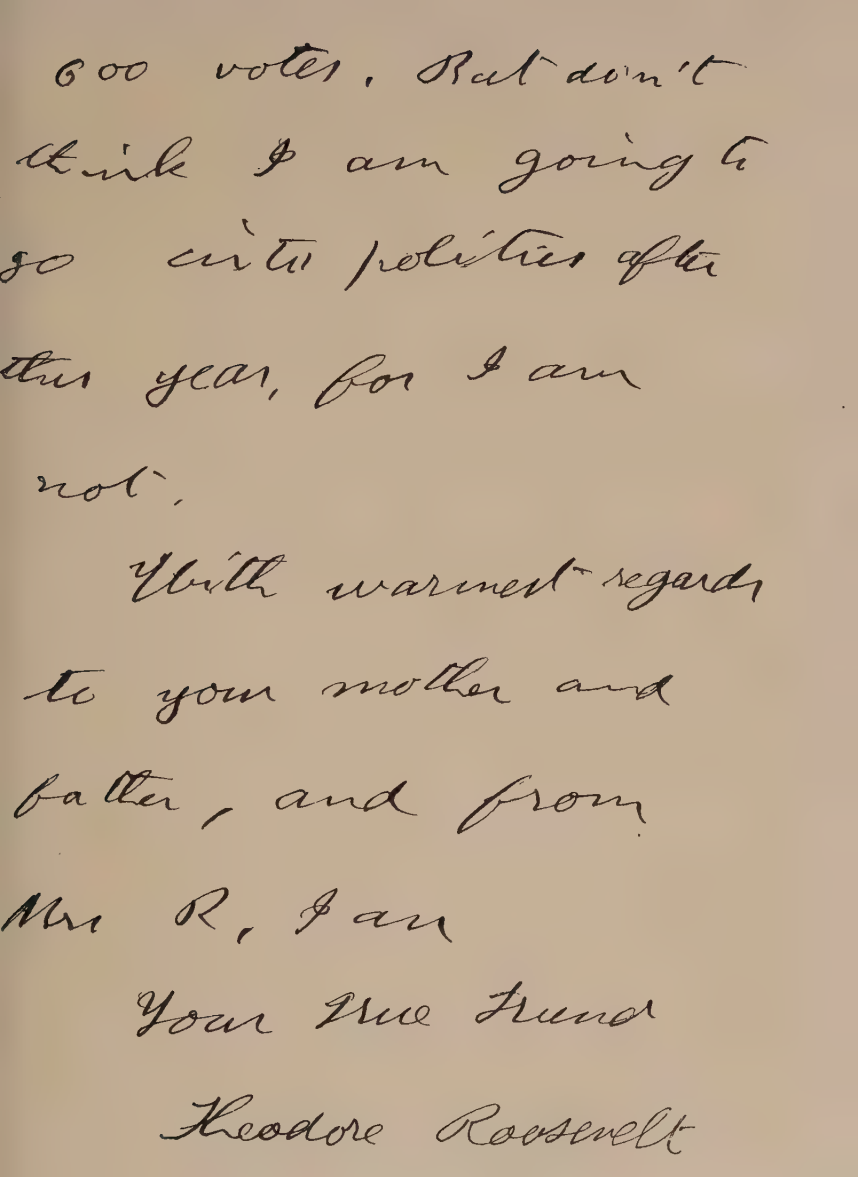
With energy and ardor and with a directness and plainness of speech from which older legislators shrink, Mr. Roosevelt, in the last session, moved the Westbrook inquiry, and in the present session he has urged proceedings to vacate the charter of the Manhattan Elevated Railway Company. He has also introduced the Municipal Civil Service Reform Bill, and his voice and vote are sure for whatever is honest, wise and progressive. Like many of the younger Republicans, Mr. Roosevelt holds the soundest views upon public questions with the feeling that the

6 W 57th St
New York
Nov 10th, 81

Dear Charley,

Too True!

Too True! I have become a "political hack." Finding it would not interfere much with my law I accepted the nomination to the assembly - and was elected by 1500 majority, leading the ticket by


600 voter. But don't
think I am going to
go into politics after
this year, for I am
not.

With warmest regards
to your mother and
father, and from
Mrs R, I am

Your True Friend

Theodore Roosevelt

FACSIMILE OF LETTER FROM THEODORE
ROOSEVELT TO CHARLES G. WASHBURN

Republican party is the organization which, from its traditional principles and the character of its membership, is more likely wisely to secure the public welfare.

Meantime, in 1882, his first book was published, "The Naval War of 1812." Here is a striking instance of Roosevelt's versatility; the subject interested him, and he wrote the book. He was twenty-four years old at the time. I shall make the following quotation from the preface for future reference: —

At present people are beginning to realize that it is folly for the great English-speaking Republic to rely for defense upon a navy composed partly of antiquated hulks, and partly of new vessels rather more worthless than the old.

He was reëlected for a third term, and was made chairman of the Committee on Cities and of a legislative investigating committee which passed a series of laws which practically revolutionized the municipal government of the City of New York. The session of 1884 ended his service in the Assembly. He refused a renomination and two nominations for Congress. His purpose to abandon political life seems clear.

One of the early cartoons of Roosevelt, in February, 1884, represents him in the act of

cutting the claws of the Tammany tiger, destroying the confirming power of the Board of Aldermen by an act of the Legislature; and again, a month later, the Tammany tiger is exhibited in a state of total collapse, teeth and claws scattered about, while Roosevelt and Governor Cleveland, arm in arm, survey the wreck, Roosevelt holding in one hand a pair of shears inscribed, "Roosevelt Bill."

I will refer here to an act in the passage of which Roosevelt was interested, entitled "An act to improve the public health by prohibiting the manufacture and preparations of tobacco in any form in tenement houses, in certain cases." The law was passed to remedy a very real evil which Roosevelt had appreciated through a personal investigation of conditions in tenement houses, where a family with a boarder or two might be found living in one or two rooms, while the manufacture of cigars was being carried on in close proximity to the stove or kitchen sink. The law was passed in 1884, and was declared unconstitutional by the Court of Appeals in January, 1885. The court held in general terms that this was not a proper exercise of the "police power," and that the law interfered with the

profitable and free use of his property by the owner or his lessee and that a constitutional guaranty was violated. The court said, among other things: —

> It cannot be perceived how the cigar-maker is to be improved in his health or his morals by forcing him from his home and its hallowed associations and beneficent influences to ply his trade elsewhere.

As applied to the kind of tenement I have referred to, this reference to the "home and its hallowed associations" seems grotesque or tragic, depending upon the point of view. It is not surprising that Roosevelt's wrath should have blazed up at such a narrow view of the police power. I have referred to this matter in some detail, because, as I shall point out later, I find here the beginning of Roosevelt's revolt against the disposition of some courts in this class of cases unduly to restrict the exercise of the police power in safeguarding the health and morals of the people. The recall of judicial decisions advocated in the Columbus speech of 1912 is an attempt to remedy what Roosevelt recognized as an abuse in 1884. It was not, as some of his critics have suggested, the unreasoning appeal of the demagogue, but the result

of years of reflection. Whether one agrees with his conclusion or not, — and I do not, — one must acquit Roosevelt of any other purpose than to right what he believed to be a wrong, and what in many cases is a wrong.

His wife and mother died in February, 1884, and thereafter for several years, Roosevelt spent most of his summers on his cattle ranch on the Little Missouri in western Dakota and in making hunting trips from it after bear, elk, and buffalo. His time was pretty evenly divided, as he said, between ranching, literature, and politics.

In the campaign of 1884, Roosevelt was for Edmunds for President and against Blaine and Arthur. He headed the New York delegation to the National Convention. The Chairman of the National Committee nominated Powell Clayton, of Arkansas, for temporary chairman. Henry Cabot Lodge nominated John R. Lynch, a colored man, of Mississippi. In speaking to this nomination, Theodore Roosevelt said: —

> I trust that the motion made by the gentleman from Massachusetts [Mr. Lodge] will be adopted, and that we will select as Chairman of this Convention that representative Republican, Mr. Lynch, of

Mississippi. Mr. Chairman, it has been said by the distinguished gentleman from Pennsylvania [Mr. Stewart] that it is without precedent to reverse the action of the National Committee. Who has not known numerous instances where the action of a State Committee has been reversed by the State Convention? Not one of us but has known such instances. Now, there are, as I understand it, but two delegates to this Convention who have seats on the National Committee; and I hold it to be derogatory to our honor, to our capacity for self-government, to say that we must accept the nomination of a presiding officer by another body; and that our hands are tied, and we dare not reverse its action.

Now, one word more. I trust that the vote will be taken by individual members, and not by States. Let each man stand accountable to those whom he represents for his vote. Let no man be able to shelter himself behind the shield of his State. What we say is, that one of the cardinal doctrines of the American political government is the accountability of each man to his people; and let each man stand up here and cast his vote, and then go home and abide by what he has done.

It is now, Mr. Chairman, less than a quarter of a century since, in this city, the great Republican party for the first time organized for victory, and nominated Abraham Lincoln, of Illinois, who broke the fetters of the slave and rent them asunder forever. It is a fitting thing for us to choose to preside over this Convention one of that race whose right to sit within these walls is due to the blood and the treasure so

lavishly spent by the founders of the Republican party. And it is but a further vindication of the principles for which the Republican party so long struggled. I trust that the Hon. Mr. Lynch will be elected Temporary Chairman of this Convention.

Blaine was nominated, and a serious defection of Republicans led to the election of Cleveland. Roosevelt voted for Blaine. I met him in New York about this time, and he told me that while he was opposed to Blaine, he did not feel justified in bolting the ticket as he had participated in the deliberations of the Convention, but that in the course he had taken he had alienated many friends and the only kind of political support he valued. I always felt that Roosevelt did right in supporting the ticket, although I did not do so myself. In judging of a man's actions, his motive must be first considered. Roosevelt's action was governed in this case by what he regarded as his duty, which was opposed to his inclination as well as to what he believed to be for his interest.

At this point should be noted the fact that Roosevelt showed no desire to continue in politics. The usual course, if he had cared for a political career, would have been to go to Congress

as he had opportunities to do, but he turned in another direction, and for the following five years devoted himself to literature, hunting, and travel. At this time he contributed a number of political essays and sketches of sport and adventure to the "Century Magazine," the "North American Review," the "New Princeton Review," and to "Harper's." He published an enlarged edition of the "Naval War of 1812" and wrote in 1885, in two volumes, the "Hunting Trips of a Ranchman," in 1886, the "Life of Thomas H. Benton," and in 1889 published the "Winning of the West."

Roosevelt's love of nature and his exultation in physical life is well illustrated in the quotation from Browning with which "Ranch Life and the Hunting Trail" opens:—

"Oh, our manhood's prime vigor! No spirit feels waste;
Not a muscle is stopped in its playing nor sinew unbraced.
Oh, the wild joys of living! the leaping from rock to rock,
The strong rending of boughs from the fir tree, the cool silver shock
Of the plunge in a pool's living water, the hunt of the bear, —
And the sleep in the dried river channel where bulrushes tell
That the water was wont to go warbling so softly and well.
How good is man's life, the mere living."

One can understand how such a spirit could enjoy a trip down the Little Missouri during the spring freshet. I happened to meet Roosevelt going West in February, 1886. Evidently I had sent him a newspaper clipping, for I find the following letter from him: —

ELKHORN RANCH,
MEDORA, DAKOTA,
Mar. 27, '86.

The slip of paper was very amusing; I counted myself lucky to meet you as I did. I am now about starting off down the river, which is swollen and full of ice, to go to Mandan about three hundred miles off.

It was on this trip, I imagine, that Roosevelt, acting as deputy sheriff, and his associates chased down the river three men who had stolen his boat. They overtook the men, and finally, after a journey of great hardship, delivered the thieves into the hands of the sheriff.

It was Roosevelt's experience with frontier life that led to his writing the "Winning of the West," in the preface of which he said: —

In conclusion, I would say that it has been to me emphatically a labor of love to write of the great deeds of the border people. I am not blind to their manifold shortcomings, nor yet am I ignorant of their many strong and good qualities. For a number of years I spent most of my time on the frontier, and

lived and worked like any other frontiersman. The wild country in which we dwelt and across which we wandered was in the Far West; and there were, of course, many features in which the life of a cattleman on the great plains and among the Rockies differed from that led by a backwoodsman in the Alleghany forests a century before. Yet the points of resemblance were far more numerous and striking. We guarded our herds of branded cattle and shaggy horses, hunted bear, bison, elk, and deer, establishing civil government, and put down evildoers, white and red, on the banks of the Little Missouri, and among the wooded, precipitous foothills of the Bighorn, exactly as did the pioneers who a hundred years previously built their log cabins beside the Kentucky or in the valleys of the Great Smokies. The men who have shared in the fast vanishing frontier life of the present feel a peculiar sympathy with the already long vanished frontier life of the past.

What lover of nature can fail to be thrilled by the introduction to "The Wilderness Hunter"?

In hunting, the finding and killing of the game is, after all, but a part of the whole. The free, self-reliant, adventurous life, with its rugged and stalwart democracy; the wild surroundings, the grand beauty of the scenery, the chance to study the ways and habits of the woodland creatures — all these unite to give to the career of the wilderness hunter its peculiar charm.

The chase is among the best of all national pastimes; it cultivates that vigorous manliness for the

lack of which in a nation, as in an individual, the possession of no other qualities can possibly atone. No one but he who has partaken thereof can understand the keen delight of hunting in lonely lands. For him is the joy of the horse well ridden and the rifle well held; for him the long days of toil and hardship, resolutely endured and crowned at the end with triumph. In after years, there shall come forever to his mind the memory of endless prairies shimmering in the bright sun; of vast snow-clad wastes lying desolate under gray skies; of the melancholy marshes, of the rush of mighty rivers; of the breath of the evergreen forest in summer; of the crooning of ice-armored pines at the touch of the winds of winter; of cataracts roaring between hoary mountain masses; of all the innumerable sights and sounds of the wilderness; of its immensity and mystery and of the silences that brood in its still depths.

In the fall of 1886, he was the Republican candidate for Mayor of New York against Henry George, the Labor candidate, and Abram S. Hewitt, the nominee of the United Democracy, who was elected.

On May 10, 1889, Roosevelt was appointed a member of the United States Civil Service Commission, and, to quote his own words some time later: —

Have been up to my ears in one unending fight to take and keep the Civil Service out of the hands of the politicians; and I may say without question that

during this year the law has been observed in the classified service under our charge more rigidly and impartially than ever before.

President Harrison, who was not given to exuberance of expression, said of him: —

If he had no other record than his service as an employee of the Civil Service Commission, he would be deserving of the nation's gratitude and confidence.

Roosevelt continued as Civil Service Commissioner until April, 1895, a period of nearly six years. It was not a place that any one with any political ambition would have sought, and would, I think, be commonly regarded as a veritable graveyard for any political aspirations. I remember seeing in the New York "Tribune," about this time, an interview with Roosevelt in which he said that he might like to go into politics, but that he had no constituency, by which I understood him to mean that his prolonged absence from New York had put him completely out of touch with political affairs there. It is reasonably clear that at this time and during his term as Civil Service Commissioner, Roosevelt had no expectation of entering politics. Meantime, in November, 1890, he had published a history of the City of New

York; in 1893, in two volumes, "The Wilderness Hunter"; and in April, 1895, in conjunction with Senator Henry Cabot Lodge, "Hero Tales from American History."

In April, 1895, Roosevelt was appointed Police Commissioner in the City of New York, and continued in that office until April, 1897. Again he filled a position which led nowhere in politics, however great the opportunities for service that it offered, evidence that opportunity for service without the slightest regard for political advancement was the controlling motive of Roosevelt's life.

His sense of humor, often light, sometimes grim, but always palpably present or lurking in the near background is well illustrated in an article on the Vice-Presidency, written in September, 1896; speaking of the Southern Populists, he said: —

> They distrust anything they cannot understand; and as they understand but little, this opens a very wide field for distrust. They are apt to be emotionally religious. If not, they are then at least atheists of an archaic type. Refinement and comfort they are apt to consider quite as objectionable as immorality. That a man should change his clothes in the evening, that he should dine at any other hour than noon,

impress these good people as being symptoms of depravity instead of merely trivial. A taste for learning and cultivated friends, and a tendency to bathe frequently, cause them the deepest suspicion. . . . Senator Tillman, the great Populist, or Democratic, orator from South Carolina, possesses an untrammeled tongue any middle-of-the-road man would envy; and, moreover, Mr. Tillman's brother has been frequently elected to Congress upon the issue that he never wore either an overcoat or an undershirt, an issue which any Populist statesman finds readily comprehensible, and which he would recognize at first glance as being strong before the people.

In April, 1897, he was appointed Assistant Secretary of the Navy by President McKinley, John D. Long, of Massachusetts, being Secretary. This was a most congenial place for Roosevelt, and he devoted himself with his customary energy to the duties of his office. He not only got the navy ready for war, but, to put it mildly, did not shrink from the then impending conflict with Spain. Against the urgent advice of most of his friends, he resigned his position May 6, 1898, and entered the military service as lieutenant-colonel,[1] First United

[1] He declined the Colonelcy. "Fortunately," said Roosevelt, "I was wise enough to tell the Secretary that while I believed I could learn to command the regiment in a month, yet that it was just this very month which I could not afford to spare, and

States Cavalry Volunteers, "The Rough Riders," organized by Colonel Leonard Wood and himself. Secretary Long said of him: —

He was heart and soul in his work. His typewriters had no rest. He, like most of us, lacks the rare knack of brevity. He was especially stimulating to the younger officers who gathered about him and made his office as busy as a hive. He was especially helpful in the purchasing of ships and in every line where he could push on the work of preparation for war. Almost as soon, however, as it was declared, he resigned the assistant-secretaryship of the navy to accept the lieutenant-colonelcy of the Rough Rider regiment in the army. Together with many of his friends, I urged him strenuously to remain in the navy, arguing that he would there make a signal reputation, and that to go into the army would be only to fight mosquitoes on the Florida sands or fret in camp at Chickamauga. How right he was in his prognosis and how wrong we were in ours, the result has shown. He took the straight course to fame, to the governorship of New York and to the presidency of the United States. He has the dash of Henry of Navarre without any of his vices. His room in the Navy Department after his decision to enter the army, which preceded for some time his resignation as Assistant Secretary, was an interesting scene. It bubbled over with enthusiasm, and was filled with bright young fellows from all over the country, college graduates and old associates

that, therefore, I would be quite content to go as Lieutenant-Colonel, if he would make Wood Colonel."

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THEODORE ROOSEVELT, 1897

from the Western ranches, all eager to serve with Roosevelt. The Rough Rider uniform was in evidence; it climbed the steps of the Navy Department; it filled the corridors; guns, uniforms, all sorts of military traps, and piles of papers littered the Assistant Secretary's room, but it was all the very inspiration of young manhood.

This is the reason he gave for his action:—

While my party was in opposition, I had preached with all the fervor and zeal I possessed our duty to intervene in Cuba and to take this opportunity of driving the Spaniard from the Western world. Now that my party had come to power, I felt it incumbent on me, by word and deed, to do all I could to secure the carrying-out of the policy in which I so heartily believed; and from the beginning, I had determined that, if a war came, somehow or other, I was going to the front.

Meantime he had published in October, 1897, his "American Ideals" in two volumes, and in April, 1898, the "Life of Gouverneur Morris."

Of the Cuban campaign it is enough to say here that Roosevelt was commended for gallantry and promoted colonel, and was in command at San Juan Hill. I once asked him what act of his life or what experience had given him the most pleasure and satisfaction. He reflected for a moment, and then replied, "The charge up San Juan Hill."

I do not mean to suggest that he attached undue importance to that battle. Speaking at Chattanooga in 1902 he said: —

Compared to the giant death wrestle that reeled over the mountains roundabout this city, the fight at Santiago was the merest skirmish; but the spirit in which we handled ourselves there, I hope, was the spirit in which we have to face our duties as citizens if we are to make this Republic what it must be made.

On July 27, 1898, Hay wrote to Roosevelt:[1]

I am afraid I am the last of your friends to congratulate you on the brilliant campaign which now seems drawing to a close, and in which you have gained so much experience and glory. When the war began I was like the rest; I deplored your place in the navy, where you were so useful and so acceptable. But I knew it was idle to preach to a young man. You obeyed your own dæmon, and I imagine we older fellows will all have to confess that you were in the right. As Sir Walter wrote: —

"One crowded hour of glorious life
Is worth an age without a name."

You have written your name on several pages of your country's history, and they are all honorable to you and comfortable to your friends.

A characteristic remark was reported of Roosevelt upon his return from Cuba. As the Transport cast anchor off Montauk some one

[1] The quotations from John Hay's Letters are as they appear in Mr. William Roscoe Thayer's Life and Letters of John Hay. Boston, 1915.

called out and asked him how he was feeling — "Disgracefully well," was his reply. He seemed to think that when so many were returning sick and weak, it was not creditable to him to be in such good physical condition.

He was mustered out at Camp Wickoff, Long Island, September 15, 1898.

Certainly, up to this point, there has been disclosed no settled purpose in Roosevelt's life, excepting to be hard at work in some field of activity — physical or mental. And now he was to enter politics again, not by his own volition, but because of the desire of others. A Republican candidate for Governor of New York was wanted who could carry the State. Roosevelt with his military record was the only man who could do it. The politicians took him, not because they wanted him, but because they needed him, and he was elected for the term beginning January 1, 1899, and ending December 31, 1900.

Speaking of the negotiations which led up to his nomination, Roosevelt says in his "Autobiography": —

> It was Mr. Quigg who called on me at Montauk Point to sound me about the governorship; Mr. Platt being by no means enthusiastic over Mr. Quigg's

mission, largely because he disapproved of the Spanish War and of my part in bringing it about. Mr. Quigg saw me in my tent, in which he spent a couple of hours with me, my brother-in-law, Douglas Robinson, being also present. Quigg spoke very frankly to me, stating that he earnestly desired to see me nominated and believed that the great body of Republican voters in the State so desired, but that the organization and the State Convention would finally do what Senator Platt desired. He said that county leaders were already coming to Senator Platt, hinting at a close election, expressing doubt of Governor Black's availability for reëlection, and asking why it would not be a good thing to nominate me; that now that I had returned to the United States this would go on more and more all the time, and that he [Quigg] did not wish that these men should be discouraged and be sent back to their localities to suppress a rising sentiment in my favor. For this reason he said that he wanted from me a plain statement as to whether or not I wanted the nomination, and as to what would be my attitude toward the organization in the event of my nomination and election, — whether or not I would "make war" on Mr. Platt and his friends, or whether I would confer with them and with the organization leaders generally, and give fair consideration to their point of view as to party policy and public interest. He said he had not come to make me any offer of the nomination, and had no authority to do so, nor to get any pledges or promises. He simply wanted a frank definition of my attitude toward existing party conditions.

To this I replied that I should like to be nominated,

and if nominated would promise to throw myself into the campaign with all possible energy. I said that I should not make war on Mr. Platt or anybody else if war could be avoided; that what I wanted was to be Governor and not a faction leader; that I certainly would confer with the organization men, as with everybody else who seemed to me to have knowledge of and interest in public affairs, and that as to Mr. Platt and the organization leaders, I would do so in the sincere hope that there might always result harmony of opinion and purpose; but that while I would try to get on well with the organization, the organization must with equal sincerity strive to do what I regarded as essential for the public good; and that in every case, after full consideration of what everybody had to say who might possess real knowledge of the matter, I should have to act finally as my own judgment and conscience dictated and administer the State Government as I thought it ought to be administered. Quigg said that this was precisely what he supposed I would say, that it was all anybody could expect, and that he would state it to Senator Platt precisely as I had put it to him, which he accordingly did; and, throughout my term as Governor, Quigg lived loyally up to our understanding.

Letter from Roosevelt to Quigg

CAMP WICKOFF,
MONTAUK POINT, L.I.,
Sept. 12, 1898.

I hope that Saturday will do with the mustering-out. It is a simple impossibility for me to get in before.

As I telegraphed, your representation of what I

said was *substantially* right; that is, it gave just the *spirit.* But I don't like the wording of some of your sentences. At first, on account of this, I hesitated how to reply; but finally came to the conclusion that the last sentence of your "report" covered the whole matter sufficiently. I shan't try to go over your different sentences in detail; but for instance, instead of saying that I would not "wish" to be a figurehead you should have used the word "consent," and there are various other similar verbal changes to which I think you would agree. Then I wish you could have brought out the fact that these statements were not in the nature of bids for the nomination, or of pledges by me, and that you made no effort to exact any pledges, but that they were statements which I freely made when you asked me what my position would be if nominated and elected (you having already stated that you wished me nominated and elected). However, I need not go into the matter more in detail, and I am not sure that it is necessary for me to write this at all, for I know that you did not in any way wish to represent me as willing to consent to act otherwise than in accordance with my conscience; indeed, you said you knew that I would be incapable of acting save with good faith to the people at large, to the Republicans of the United States, and to the New York Republican organizations; and this seems to about cover it.

P.S. In short, I want to make clear that there was no question of pledges or promises, least of all a question of bargaining for the nomination; but that I promptly told you the position I would take if I was

elected Governor and suggested what I thought it would be best for both Senator Platt and myself to do so as to prevent the chance of any smash-up, which would be disastrous to the welfare of the party and equally disastrous from the standpoint of good government. I was not making any agreement as to what I would do on consideration that I received the nomination; I was stating the course which I thought it would be best to follow, for the sake of the party, and for the sake of the State — both considerations outweighing infinitely the question of my own nomination.

During his term as Governor, he published "The Rough Riders," "The Strenuous Life," and the "Life of Oliver Cromwell." Roosevelt had the confidence of the people in larger measure than any other Governor of New York for years. He promised to pursue Republican with even greater avidity than Democratic rascals, and kept his promise by making a Democratic lawyer the prosecutor of those involved in the Canal frauds. Roosevelt carried out the principle which he expressed in his inaugural address, that

in the long run, he serves his party best who most helps to make it instantly responsive to every need of the people, and to the highest demands of that spirit which tends to drive us onward and upward.

He demanded the repeal of the law enacted in the administration of his predecessor, Governor Black, for the purpose of taking the "starch" out of the Civil Service law and showed little regard for the spoilsmen. A paper constantly critical of him said: "Roosevelt is probably the only Republican in the State capable of an act so contrary to party amenities as this."

He was strong for the enforcement of the state law regulating the employment of women and children in factories and to prevent excessive hours of labor on surface railroads. The Civil Service and Labor portions of his first message were the most prominent. He favored the equipment of the National Guards with modern arms, the substitution of biennial for annual sessions of the Legislature, and the extension of the area within which suffrage could be exercised by women, particularly in reference to the schools.[1] He searched the State for the best men he could find, urged legislation in the best interests of the people and put every stumbling-block possible in the way of bad legislation. He defied both machines.

[1] Some years later (1908), Roosevelt said, "Personally I believe in Woman's Suffrage, but I am not an enthusiastic advocate of it because I do not regard it as a very important matter."

His message in January, 1900, dealt largely with the subject of taxation. He suggested that trusts should be subject to the law of publicity, and that

> where a trust becomes a monopoly, the State has an immediate right to interfere. Care should be taken not to stifle enterprise or disclose any facts of a business that are essentially private, but the State, for the protection of the public, should exercise the right to inspect, to examine thoroughly all the workings of great corporations, just as is now done with banks; and wherever the interests of the public demand it, it should publish the results of its examination. Then, if there are inordinate profits, competition or public sentiment will give the public the benefit in lowered prices; and if not, the power of taxation remains.

The principle of government regulation and not the disintegration of large corporations is one that he has always adhered to.

Much was made by his critics of the fact that Roosevelt occasionally "had breakfast with Platt," as evidence that he was under the domination of the latter, then the "boss" of the Republican party in New York, and also United States Senator. The fact is that while Roosevelt was a reformer, he was not one of those unpractical persons who railed at the shortcom-

ings of others and refused to take a hand himself in the remedy of abuses. The rôle of critic is a pretty contemptible one unless accompanied by the desire and ability for effective performance. Roosevelt would always work with such tools as he had at his command, but never refused to work because the tools were not perfect or to his liking. He has often been bitterly condemned by well-meaning people who stood on the side lines with folded hands, because he was working with "corrupt politicians." Well, he did work with them when they served his purpose for the very simple reason that he had to work with them or not work at all. He would have been delighted if the people had given him tools more to his liking, but as they failed to do this, and still demanded that the work should be done, Roosevelt went ahead and did it.

In his article on "Latitude and Longitude among Reformers" he said: —

> The cloistered virtue which timidly shrinks from all contact with the rough world of actual life, and the uneasy, self-conscious vanity which misnames itself virtue, and which declines to coöperate with whatever does not adopt its own fantastic standard, are rather worse than valueless, because they tend to rob the forces of good of elements on which they

ought to be able to count in the ceaseless contest with the forces of evil.

This determination to do the best he could under existing conditions, whatever they might be, was always characteristic of him.

Meantime, Governor Roosevelt attracted the attention of the country by his direct and fearless manner of dealing with public affairs. In 1899, Mr. James Bryce said of him, "Theodore Roosevelt is the hope of American politics."

As his term drew to a close, his desire was for reëlection to carry to full completion some of his plans, but in this he was thwarted, and, much against his will, was elected Vice-President of the United States for the term beginning March 4, 1901. "Shelved," as many of his political enemies said, with keen satisfaction that the New York "boss" had kicked him upstairs in fulfillment of his vow that Roosevelt should not be Governor again. Roosevelt's relations with Platt at this time, both as regards the Vice-Presidency and as to his successor in the Governorship, are disclosed in the following letters dated February 1, August 13, and August 20, 1900, respectively: —

Roosevelt to Platt

February 1st, 1900.

First, and least important. If you happened to have seen the "Evening Post" recently, you ought to be amused, for it is moralizing with lofty indignation over the cringing servility I have displayed in the matter of the insurance superintendent. I fear it will soon take the view that it cannot possibly support you as long as you associate with me!

Now as to serious matters. I have, of course, done a great deal of thinking about the Vice-Presidency since the talk I had with you followed by the letter from Lodge and the visit from Payne, of Wisconsin. I have been reserving the matter to talk over with you, but in view of the publication in the "Sun" this morning, I would like to begin the conversation, as it were, by just a line or two now. I need not speak of the confidence I have in the judgment of you and Lodge, yet I can't help feeling more and more that the Vice-Presidency is not an office in which I could do anything and not an office in which a man who is still vigorous and not past middle life has much chance of doing anything. As you know, I am of an active nature. In spite of all the work and all the worry, — and very largely because of your own constant courtesy and consideration, my dear Senator, — I have thoroughly enjoyed being Governor. I have kept every promise, express or implied, I made on the stump, and I feel that the Republican party is stronger before the State because of my incumbency. Certainly everything is being managed now on a perfectly straight basis and every office is as clean as a whistle.

Now, I should like to be Governor for another term, especially if we are able to take hold of the canals in serious shape. But as Vice-President, I don't see there is anything I can do. I would be simply a presiding officer, and that I should find a bore. As you know, I am a man of moderate means [although I am a little better off than the "Sun's" article would indicate], and I should have to live very simply in Washington and could not entertain in any way as Mr. Hobart and Mr. Morton entertained. My children are all growing up and I find the burden of their education constantly heavier, so that I am by no means sure that I ought to go into public life at all, provided some remunerative work offered itself. The only reason I would like to go on is that as I have not been a money-maker I feel rather in honor bound to leave my children the equivalent in a way of a substantial sum of actual achievement in politics or letters. Now, as Governor, I can achieve something, but as Vice-President I should achieve nothing. The more I look at it, the less I feel as if the Vice-Presidency offered anything to me that would warrant my taking it.

Of course, I shall not say anything until I hear from you, and possibly not until I see you, but I did want you to know just how I felt.

Roosevelt to Platt

Oyster Bay, August 13th, 1900.

I noticed in Saturday's paper that you had spoken of my suggesting Judge Andrews. I did not intend to make the suggestion public, and I wrote you with

entire freedom, hoping that perhaps I could suggest some man who would commend himself to your judgment as being acceptable generally to the Republican party. I am an organization Republican of a very strong type, as I understand the word "organization," but in trying to suggest a candidate for Governor, I am not seeking either to put up an organization or a non-organization man, but simply a first-class Republican, who will commend himself to all Republicans, and, for the matter of that, to all citizens who wish good government. Judge Andrews needs no endorsement from any man living as to his Republicanism. From the time he was Mayor of Syracuse through his long and distinguished service on the bench he has been recognized as a Republican and a citizen of the highest type. I write this because your interview seems to convey the impression, which I am sure you did not mean to convey, that in some way my suggestions are antagonistic to the organization. I do not understand quite what you mean by the suggestion of my friends, for I do not know who the men are to whom you thus refer, nor why they are singled out for reference as making any suggestions about the governorship.

In your last interview, I understood that you wished me to be back in the State at the time of the convention. As I wish to be able to give the nominee hearty and effective support, this necessarily means that I do have a great interest in whom is nominated.

Roosevelt to Platt

Oyster Bay, August 20th, 1900.

I have your letter of the 16th. I wish to see a straight Republican nomination for the governorship. The men whom I have mentioned, such as ex-Judge Andrews and Secretary Root, are as good Republicans as can be found in the State, and I confess I have n't the slightest idea what you mean when you say, "if we are to lower the standard and nominate such men as you suggest, we might as well die first as last." To nominate such a man as either of these is to raise the standard; to speak of it as lowering the standard is an utter misuse of words.

You say that we must nominate some Republican who "will carry out the wishes of the organization," and add that "I have not yet made up my mind who that man is." Of one thing I am certain, that, to have it publicly known that the candidate, whoever he may be, "will carry out the wishes of the organization," would insure his defeat; for such a statement implies that he would merely register the decrees of a small body of men inside the Republican party, instead of trying to work for the success of the party as a whole and of good citizenship generally. It is not the business of a Governor to "carry out the wishes of the organization" unless these wishes coincide with the good of the party and of the State. If they do, then he ought to have them put into effect; if they do not, then as a matter of course he ought to disregard them. To pursue any other course would be to show servility; and a servile man is always an undesirable — not to say a contemptible — public

servant. A Governor should, of course, try in good faith to work with the organization; but under no circumstances should he be servile to it, or "carry out its wishes" unless his own best judgment is that they ought to be carried out.

I am a good organization man myself, as I understand the word "organization," but it is in the highest degree foolish to make a fetish of the word "organization" and to treat any man or any small group of men as embodying the organization. The organization should strive to give effective, intelligent and honest leadership to and representation of the Republican party, just as the Republican party strives to give wise and upright government to the State. When what I have said ceases to be true of either organization or party, it means that the organization or party is not performing its duty, and is losing the reason for its existence.

The fact is that the delegates to the National Convention at Philadelphia, without much regard to the wishes of any one, wanted Roosevelt. As one of the Southern delegates said, "We want a candidate we can yell for." And so the ticket was made up, as some one has put it, — McKinley, "the Western man with Eastern sympathies," and Roosevelt," the Eastern man with Western sympathies." He took a very active part in the campaign. In October, 1900, he wrote me: "You have no conception of the

strain I am under. The National Committee have worked me nearly to death. I have spoken 300 times already and my voice is on the verge of a complete breakdown."

I am not a superstitious person, but I said at that time to a friend who has since reminded me of it: "I would not like to be in McKinley's shoes. He has a man of destiny behind him."

Chief Justice White told me within two years that when Roosevelt came to Washington as Vice-President, he called upon him, and Roosevelt said that he expected to have some time on his hands, as the duties of his office would not be onerous. He asked Mr. Justice White, as he was then, if it would be *infra dig.* for him to attend law lectures in Washington with a view to being admitted to the bar. After some reflection, Mr. Justice White said that he did not think that he could with propriety do this, but offered to supply Roosevelt with law books and to give him a "quiz" every Saturday evening. The offer was accepted with alacrity and the books were collected, but before the plan could be carried out, Roosevelt had ceased to be Vice-President. This is a good illustration of his passion for improving his time.

September 6, 1901, President McKinley was shot at Buffalo. He died on Friday, September 13, and Theodore Roosevelt became President of the United States.

The news of McKinley's death, conveyed by messenger, found Roosevelt in the Adirondacks on a tramping expedition just returning from the top of Mount Marcy. A ten-mile walk, a rapid and reckless ride in the storm, and a flight of a mile a minute by railroad brought him to Buffalo, where he took the oath of office on Saturday, September 14. In response to the request of Mr. Root, then Secretary of War, that he take the oath of office at once, Roosevelt said:—

> I shall take the oath of office in obedience to your request, sir, and in doing so, it shall be my aim to continue absolutely unbroken the policies of President McKinley for the peace, prosperity, and honor of our beloved country.

After he had taken the oath of office, he said:—

> In order to help me keep the promise I have taken, I would ask the Cabinet to retain their positions at least for some months to come. I shall rely upon you, gentlemen, upon your loyalty and fidelity, to help me.

At this time I wrote Roosevelt as follows:—

PRINCETON, MASSACHUSETTS,
22 Sept., 1901.

I have been profoundly moved by the sad incidents of the recent past, but am beginning to see that out of this great sorrow much good may come to us. You cannot move eighty millions of people with a common impulse without bringing them permanently into closer sympathy.

If William McKinley has cemented this Union with his blood, the sacrifice becomes a triumph. I have for a long time felt certain that you would be President of the United States by nomination and election. I feel so now. Meantime, is it not something to be deeply grateful for, that you have a united country and a united party behind you, free from any bitterness that always accompanies a contest for nomination and election?

May God give you the strength and wisdom, as I know He will, to fill the great office, to which you have been so mysteriously called, to the lasting benefit of your countrymen.

To this I received the following reply:—

EXECUTIVE MANSION
WASHINGTON

September 25, 1901.

I thank you for your letter and appreciate it.

Certainly no one had ever reached the office of President through such an unusual pathway. No one would seriously contend that, up to this

point, Roosevelt had given evidence of any political ambition or done anything with the purpose to advance his political fortunes. He entered the Legislature unexpectedly and, as he thought and intended, for a single year. After three years of service, he voluntarily abandoned politics and engaged in other pursuits. He was called to a place in the Civil Service Commission and as Police Commissioner, neither office offering the slightest hope of political preferment. He became Assistant Secretary of the Navy and left the office to be a soldier. He was elected Governor without the slightest volition of his own, was forced into the Vice-Presidency, and made President by the act of God. There is lacking in his progress every element that usually makes for political advancement.

CHAPTER II

CHANGING SOCIAL AND INDUSTRIAL CONDITIONS

I SHALL in what follows disregard the chronological order of events and treat separately the different topics which I discuss. Before dealing with the Roosevelt Administration, it may be well to consider some of the changes that had taken place in the country since the Republican party was founded. Not only were the political problems very different in 1900 from those in 1865, but the electorate had experienced a complete transformation. New generations had been born and our population had been greatly increased by immigration from many foreign countries, at first from the north and then from the south of Europe. I have a theory that the Civil War had a far greater influence upon the political history of the country subsequent to 1865 than is generally realized. Up to that time it was the greatest war of history; more men were engaged in it, and more were lost upon the field of battle and

by disease than in any other one conflict until the present colossal struggle in Europe. The character of the men was higher on both sides than in any of the armies the world had ever seen. The soldiers, for the most part, were mere boys. Speaking now of the North, we had, I believe, at one time or another, something like 2,650,000 enlistments in the army and navy out of a population of 22,000,000. In Massachusetts we had 152,000 enlistments out of a population of 1,230,000. Suppose that three individuals were, through family and other ties, vitally interested in the fortunes of every soldier, we had out of our population of 1,230,000, say 600,000 who were in or followed every battle with the keenest personal solicitude, and there should be added to this number many more who, without any direct personal stake in the conflict through near kinsmen in the field, were engaged actively in relief work for the soldiers or for their families at home.

Apply this same measure to all of the twenty-three loyal States, and we should find over nine millions of our people who were in the army or had a direct personal interest in its fortunes. Similarly, in the South, out of a white popula-

tion of something less than 5,500,000 with an enrollment of 1,100,000 in their armies, there were 4,400,000 persons who were serving at one time or another, or had a direct personal interest in the army. When these men were mustered out, being still, for the most part, young in years, but hardened veterans in the sternest of experiences and prematurely matured, they were scattered North and South among our 32,000,000 people.

At the North, through the Grand Army of the Republic, and at the South, through a similar organization, the war spirit was kept active in every community in the country with all the convictions and prejudices inseparable therefrom. The experience on the field of battle by the men, and at home by the men and women who waited anxiously, was one never to be forgotten by that generation. The rank and file of these great armies was speedily absorbed in civil life. Many of the soldiers entered public life and were members of our State Legislatures and of both houses of Congress. In the 54th Congress, veterans were a majority of the Judiciary, Military Affairs, Appropriations, and Ways and Means Committees. It is a fair statement that

our industrial and political life was dominated by the opinions that had been formed and hardened during the war, and even our best men, or some of them, took into the field of business and politics the rule of conduct of the battlefield, that might makes right, that the end justifies the means. Burke says somewhere: "Wars suspend the rules of moral obligation and what is long suspended is in danger of being totally abrogated. Civil Wars strike deepest of all into the manners of the people; they vitiate their politics, they pervert their natural taste and relish of equity and justice."

Democrats and Republicans fought shoulder to shoulder in the Northern armies. Nevertheless, the North looked upon the war as a Republican war and upon the great war measures as Republican measures, and so it happened that the same spirit that animated the army in the field dominated the party in politics. An election must be carried — why! to save the country, and in that holy cause all means were justifiable, that were necessary to attain that end. The Republican party that had fought the war through was the dominant party, its policies were carried into execution with

the determination and precision which characterized the movements of an army. The government which had been saved at a fearful cost was to be administered by those who had saved it, as they thought best. To illustrate the hold the Republican party had on its members who had lived through the Civil War, I shall quote, from an article that appeared in one of the magazines some time ago, what a young man said of his father: —

> To him it was little short of treason to vote any other than the Republican ticket. I remember now the gloom in our family when we heard that Blaine was beaten. I think my father had an idea that Cleveland would undo all the achievements of the war. At that time it was impressed on us children that the Republican party had saved the Union. The name "Republican" became pretty nearly sacred to us.

I am not now criticizing the spirit, — indeed, I have much sympathy with it, — I am stating the fact. It was a great generation of men that the war developed. Every President from Grant to McKinley, save Arthur and Cleveland, had served in the war, and Arthur was, I believe, prominent in the administration of the New York militia, and was trained in the same

school with the other Republican leaders. Is it any cause for surprise, then, that the purpose, the discipline, the determination which dominated the Union army on the battlefield should have dominated the Republican party in politics. Thus animated, it accomplished much and also afforded much just ground for criticism, for the very reason that some of its leaders carried the ethics of war into political strife, and, with their experience, could hardly have been expected to do anything else. While that generation lived, there was nothing of doubt or uncertainty in the policies or management of the party. When that generation passed off the stage, — as it did with the death of McKinley and Hanna, — a new generation succeeded to the management of the affairs of state; a generation to which the war was a matter of history, rather than of experience; a generation that had not passed through that awful trial; in some ways, perhaps, a better generation, in others not so well disciplined; certainly a different one.

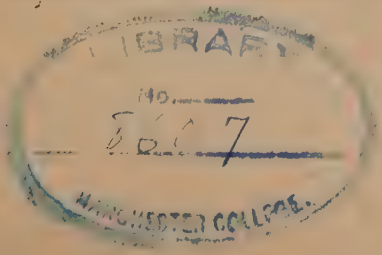
It was by men of this later generation that our political and social questions were to be discussed and settled. The men of the former

generation could not do more than save the country; that certainly was a service that entitles them to our gratitude for all time: to them, other questions by comparison naturally seemed insignificant. Thus it happened that the men of the new generation, secure in their citizenship and threatened by no great calamity, were engaged in building a superstructure upon foundations which were laid under conditions of extreme difficulty. Meantime, the spirit of grim determination of those who, in sweat and blood, preserved the Union was succeeded by a spirit of unrest, of doubt, and of inquiry. That feeling was increasing when Roosevelt became President and was more clearly accentuated when he was nominated in 1904 and became the dominant force in our political life.

If, then, we can assume that the war spirit, as I will call it for lack of a better name, pervaded the Republican party and the North and insured unity of action for so many years, what happened to weaken it and to make discord where, in spite of temporary lapses, comparative harmony so long prevailed? I have suggested that the war spirit had not only grown weaker because the generation inspired by it

had passed on, but also because the weakening influence was being spread over a constantly increasing number of people through the increase in our population, by the birth of new generations, and by immigration. The population of the twenty-three loyal States, in 1860, was 22,044,714. The population of all the States, excluding the eleven States once in rebellion, was, in 1910, 69,572,332, an increase of 47,527,618; so that even had the Northern war spirit continued in unabated strength it must have influenced a constantly and rapidly diminishing proportion of the people. Then, too, the spirit could not be inherited, for the reason that much of this increase in the population of the Northern States was due to immigrants who can have little share in our traditions. Since 1860 we have received into the country, including the year 1912, 24,573,337 immigrants, and most of them settled in the North and West. Many, no doubt, have returned to their native countries. Of the total white male population, twenty-one years old or over, North Dakota contains of foreign-born, fifty-eight per cent; Minnesota, fifty-one per cent; Wisconsin, forty-five per cent; one third of the population of Massachusetts is foreign-

born. In 1910, there were about 13,345,545 foreign-born whites in the United States. In the eleven seceding States about 3 per cent of the white population were foreign-born. In the States other than the eleven seceding States, including the colored people, about 19 per cent of the entire population were foreign-born. It is hardly necessary to multiply statistics to show how disproportionately small the foreign-born population is in the South. My conclusion, then, as to the section of country outside of the seceding States, is that a very potent influence in the apparent lack of unity in the Republican party in these latter days, and one to which too little importance has been attached, has been the weakening of the war spirit accompanied by a large increase in our population, a considerable portion of which is uninfluenced by our traditions. The question might naturally be asked, if what I say about the Northern section of the country be true, why is it that there has been no disintegration of the solid South? The answer is that the animosity engendered by the war was naturally very much more intense in the South than in the North and that the native population in the South has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not been increased by immigration to the extent that it has been in the North.

At one time or another substantially 1,200,000 men from the Confederate States were under arms during the Civil War, — practically the entire population available for military service, — so that it is fair to say — assuming, as I have for the North, that three of the population of the South were vitally interested in the fortunes of each soldier — that between four and five millions of the population of the South had a direct personal contact with the operations of the war. The white population was 5,469,462. We may go even further and say that the entire white population of the South was brought in direct personal contact with the experience of the battlefield. Almost all the battles were fought in the South, sections of the country were stripped bare by both armies, the fortunes of many great families were entirely destroyed, and very naturally, when the war was over, a feeling of great bitterness remained, a feeling that has been transmitted from one generation to another. For this reason we have had in the South what we would naturally expect to find under these conditions, a solid

support for the Democratic party, representing not so much allegiance to that party as an undying hostility to the Republican party, which the Southern people held responsible for the war, for the equally cruel experiences of the reconstruction period, and for the negro problem.

It may be added that in the South the descendants of those who lived through the Civil War feel, at least some of them, even more bitterly than their elders, because, as a result of the losses incident upon the war, they have been denied opportunities for education and a position which by inheritance is theirs, and have been compelled to turn for a bare livelihood to occupations which in the earlier days would have been considered ill suited to them.

That feeling of bitterness is, of course, growing weaker as new generations enter upon the duties of citizenship, but it has remained a very potent influence much longer than the corresponding influence in the North.

I was a delegate to the Convention that nominated Roosevelt for President in 1904. A portrait, of heroic size, of Mark Hanna, hung over the platform. I said to a man who sat next to me, "What would happen if Hanna were

living?" He said in reply, "He would be nominated here to-day." Of course he would not have been nominated; I merely mention this as indicating that the "old order" which was incarnated in Hanna had not then passed away; but it was passing. I felt it in the atmosphere of the Convention. An entirely new type of man was President, who had no knowledge of the Civil War excepting that gained from books and from his family associations both with the North and with the South. When McKinley and Hanna died, the old dynasty fell. Roosevelt became President in his own right March 4, 1905. He was not hampered by either a business or professional experience. I mean by this that he had not acquired that over-caution which is inseparable from either calling; the former leading to a dread of anything that will "disturb business," and the latter forbidding any action based upon anything short of legal evidence. Roosevelt, as I have tried to demonstrate, was intense in his devotion to the job in hand, whatever it might be, intent upon achieving results, and a man who never took counsel of his fears. I do not mean by that to say that he acted purely from impulse, though his acts

may sometimes have given that impression. John Hay, after he had been in his cabinet for three years, said of him: —

> Roosevelt is prompt and energetic, but he takes infinite pains to get at the facts before he acts. In all the crises in which he has been accused of undue haste, his action has been the result of long meditation and well-reasoned conviction. If he thinks rapidly, that is no fault; he thinks thoroughly, and that is the essential.

The people were ready to follow a new leadership. The former generation had successfully fought for the preservation of the nation, had stimulated the building of railroads by lavish government grants, had tempted settlers to take up lands in the West upon their own terms. The new generation, under the leadership of Roosevelt, was to fight for conservation of our resources, for the quickening of the public conscience which, once enlightened, would demand the proper regulation of corporations, would curb the tendency to private monopoly in public land and natural resources, and would recognize that labor has its rights as well as capital, and that neither should prey upon the other. It must in truth be said that the people were far in advance of Congress when Roosevelt became

President and Congress continued to lag behind for some time thereafter. Both branches were still largely in control of men bred in the "war school" of which I have spoken. They led well and wisely for the most part, but looked with suspicion upon the new school of thought, and while they granted much, it was with a somewhat niggardly hand and protesting spirit. Do not imagine that I am over-critical of these men. I belonged myself to that wing of the party. In safe progress there must always be those who press forward, the pioneers, and others of just as patriotic purpose who perform the perhaps more ignoble but no less necessary task of seeing that the wheels of progress do not revolve in the wrong direction. The conservative of to-day was the progressive of yesterday, the progressive of to-day is the conservative of to-morrow, so rapidly do our views change in response to public opinion.

I must not omit to say a few words about changed industrial conditions between 1865 and 1900 which created an entirely new set of problems to be dealt with. Our great industrial progress has been made since the Civil War, and it was not until 1894 that we became first

among the manufacturing nations of the world; but it is to the development in the years following upon 1897 that I would call particular attention, for it was then that the problems with which we have been and are attempting to deal were thrust upon us with startling rapidity.

There had been a growing practice, among our manufacturers and managers of railroads, to have some understanding among themselves as to the prices at which their commodities should be sold, in order to prevent disastrous competition. I shall here discontinue further reference by name to railroads, as I shall discuss them elsewhere. This led to the formation of trade combinations and pools, in different branches of business, more or less protective, the weakest form being a simple understanding as to prices and the strongest form a pool when, say, five companies engaged in the same industry would allot the sale of their product in certain proportions: one, fifty per cent; another, thirty, another, ten, and so on, aggregating one hundred per cent. Any one overselling his allotment paid into the pool, any one underselling his allotment received from the pool. All these devices were more or less ineffective. A disturbing influence

now appeared, as a result of the decision, in 1897, in the Trans-Missouri cases, construing the Sherman Anti-trust Act of 1890, which I shall examine in more detail later. The Supreme Court in this decision held that the Sherman Act applied to all contracts in restraint of trade, whether they be reasonable or unreasonable.

It followed from this decision that all contracts affecting interstate commerce which in any way restrained trade were invalid and criminal.

It became impossible, therefore, for manufacturers and others safely to enter into any agreement, however reasonable, for the maintenance of prices, and hence they were driven to the conclusion that if they could not combine they must unite; in other words, it being a criminal offense for A, B, and C to agree together to maintain reasonable prices for their products, they were compelled to consolidate their interests to get the protection they needed, and thus it appears that the decision in the Trans-Missouri cases had a powerful influence in hastening the formation of the great consolidations or trusts with which we are familiar.

And here another factor entered the field of

business consolidation — the bankers; theretofore any permanent consolidation of interests in the form of combinations and pools had been unsatisfactory because the members would not all keep faith, and often one stubborn person refusing to make any kind of a trade agreement would impose disastrous conditions upon his business competitors. It was never dreamed prior to 1897 that some outside power could step in and, if necessary, buy out all the members of any given industry, but this power the bankers, with their great financial resources, supplied. It was a sort of Aladdin's lamp. A given industry, if controlled, could make profits of $500,000 per year; the bankers stepped in and would offer $5,000,000 for all the companies involved — the individual companies could take cash or stock for their properties. The sanguine took stock, the pessimists took cash, and the deal was closed overnight. A certain amount of preferred stock was issued — cumulative, perhaps, and sold to the banker's customers; the promoters took the common stock, and would at a later day perhaps sell at a good price what had cost them little. There was nothing necessarily immoral about this, but it created a large

number of consolidations or trusts, as they were miscalled, concentrated the control of enormous capitalization, and made the "trust problem," which we are far from having settled yet. These, then, were the conditions, political and industrial, which confronted Roosevelt when he became President, and if he pressed new questions upon the country for consideration, it was because changed conditions demanded their discussion and settlement.

These questions were forced upon him by the progress of events over which he had no control. He, undaunted, did not dodge them, but insistently and persistently forced their consideration upon the country.

It is not my purpose to consider in any detail all the events of the Roosevelt Administration. If one would get a correct impression of a rugged coast, it is only necessary to note the prominent headlands and the deep indentations, and with these alone history will be concerned. Roosevelt brought to his great task high ideals, prodigious industry, an active and an educated mind, a good deal of political experience, and an honest desire to do his best.

There are many subjects to which he devoted

much attention and of which he spoke in almost all his messages to Congress. Prominent among them was the proper method of dealing with the trusts. In his first message to Congress, delivered in December, 1901, after he had been President for three months, he spoke of changed business conditions, urged caution in dealing with corporations, and deprecated legislation in the absence of calm inquiry. He recognized, however, certain harmful tendencies and expressed the opinion that combinations should be supervised rather than prohibited. He thought publicity the first essential in dealing with the subject — a suggestion he had made when he was Governor of New York. He added that, in his opinion, a law could be drafted akin to the Interstate Commerce Act which would give Congress effective control over these large corporations.

At this point it may be well to state what I understand to have been the law on this subject when Roosevelt succeeded to the Presidency, to which I have already briefly alluded.

The Sherman Act was passed July 2, 1890, for the purpose, as it was then stated, of extending the provisions of the common law to

interstate commerce and to enforce them by suitable penalties. By the common law is meant, "those principles, usages, and rules of action applicable to the government and security of persons and of property which do not rest for their authority upon any express and positive declaration of the will of the legislature."

Contracts in unreasonable restraint of trade had always been void at common law. The enactment of the Sherman Act made the common law statute law for the United States and something more, and declared, in substance, every contract in whatever form in restraint of interstate trade to be illegal, and that every person making such contract should be deemed guilty of a misdemeanor punishable by fine or imprisonment at the discretion of the court; and that every person monopolizing or attempting to monopolize any part of interstate trade should be deemed guilty of a misdemeanor punishable by fine or imprisonment at the discretion of the court.

The act as at first interpreted by the courts did not seriously embarrass business combinations, for the reason that it was held not to apply to contracts not in unreasonable restraint

of trade. As a rule, where the combination affected did not control the entire product in any given industry, it was held to be not inhibited by the Sherman Act, which was passed with the declared purpose to extend to interstate commerce the common law affecting contracts in restraint of trade. It was a well-known doctrine of the common law that the validity of contracts restricting competition was to be determined by the reasonableness of the restriction, and hence contracts made for a legal purpose, which were not unreasonably injurious to the public welfare, and which imposed no heavier restraint on trade than the interest of the favored party required, were, as a rule, held to be valid, both before and for a time after the passage of the Sherman Act.

In March, 1897, in the Trans-Missouri cases, to which I have referred, the Supreme Court placed the construction upon the Sherman Anti-Trust Act (at least it was generally so understood) that all contracts affecting interstate commerce which in any way restrained trade, whether reasonable or not, were invalid, the conclusion of a majority of the court being that "Congress has, so far as its jurisdiction

extends, prohibited all contracts or combinations in the form of trusts entered into for the purpose of restraining trade and commerce."

This decision was, as a matter of course, followed by the lower courts, and the trade combinations which before the decision had been held to be legal were by it made illegal. This construction of the act led, as we all remember, to much disturbance because business men, acting in good faith in entering into trade agreements for the control of prices to prevent disastrous competition, agreements which were very common in the business world, made themselves liable to criminal prosecution.

The gravity of the situation was widely recognized not only by lawyers and business men, but by publicists and all thoughtful men interested in public affairs. Such, in brief, was the condition of this matter when Roosevelt came to the Presidency, and for this he sought a remedy.

In 1902, he received the degree of LL.D. from Harvard, which President Eliot conferred in these words:—

Theodore Roosevelt, President of the United States, from his youth a member of this Society of

Scholars, now in his prime, a true type of the sturdy gentleman and high-minded public servant in a democracy.

At this time Secretary Hay, in a letter to Roosevelt, referring to the Alumni Dinner, wrote: "President Eliot, when he sat down, said: 'What a man! Genius, force, and courage, and such evident honesty!'"

In Roosevelt's message of December, 1902, he asked for a special appropriation to enforce the Anti-Trust Act and condemned the reduction of the tariff as a means for reaching the trusts. He demanded fair treatment for both capital and labor, and said: —

> Exactly as business men find that they must often work through corporations, . . . so it is often necessary for laboring men to work in federation. Both kinds of federation, capitalistic and labor, can do much good, and, as a necessary corollary, they can both do evil . . . attack should be made not upon either form, but upon what may be bad in both.

In response to the President's recommendation, Congress, in February, 1903, created the Department of Commerce and Labor, including the Bureau of Corporations, with authority to secure proper publicity.

It may be said here that Roosevelt pressed

to a hearing, in 1904, the case of the Northern Securities Company, which involved the validity of an agreement between the majority owners in the Great Northern Railroad and the Northern Pacific Railroad to consolidate their interests in a holding company. The relief sought in the courts was an injunction against the perfecting of the arrangement and its disruption so far as it might have been effected, the allegation being that this was such a combination in restraint of trade as was inhibited by the Sherman Anti-Trust Act. The court sustained the contention and held that this was an arrangement to avoid competition and to monopolize transportation in the territory affected. This effectually fixed the jurisdiction of the Government over this class of transactions and was the purpose which Roosevelt had in view in pressing the suit. Some doubt upon this point had existed because of the Knight case, decided in January, 1895. This involved the purchase, by the American Sugar Refining Company, of the stock of four corporations engaged in the refining and sale of sugar in Philadelphia. The court held that the acquisition of the stock did not bring the case within

the provisions of the Sherman Act, and evidently disregarded the purpose, which was to effect a monopoly in the sale of sugar. It will be noticed that this narrow construction of the act, which was thought at the time to defeat the purpose of the Sherman Act, was practically abandoned in the decision of the case of the Northern Securities Company.

In a speech made at the Union League Club, February 3, 1904, Elihu Root said of the President: "You say he is an unsafe man. I tell you he is really the great conservator of property and of rights." And in support of this assertion Mr. Root spoke of the President's attitude toward labor unions and toward trusts, forbidding, on the one hand, the unionizing of government employment, and, on the other hand, the pressing of the Northern Securities case which checked speculation and avoided a panic.

Speaking of the Northern Securities case, Roosevelt once said to me:—

> I talked over the matter in full with Knox. He believed that the Knight case would not have been decided over again as it actually was decided, and that if we could differentiate the Northern Securities case from it, we could secure what would be in fact

(although not in name) a reversal of it. This I felt it imperative to secure. The Knight case practically denied the Federal Government power over corporations, because it whittled to nothing the meaning of "commerce between the States." It had to be upset or we could not get any efficient control by the National Government.

In his message of December, 1905, the President reiterated his views about corporations and said that during the previous four years the Department of Justice had devoted more time to the enforcement of the Anti-Trust Law than to anything else, and added: —

I do not believe in the Government interfering with private business more than is necessary. I do not believe in the Government undertaking any work which can with propriety be left in private hands. But neither do I believe in the Government flinching from overseeing any work when it becomes evident that abuses are sure to obtain therein unless there is government supervision.

In his message of January, 1908, he said, what he had so often said in substance before: —

The law should correct that portion of the Sherman Act which prohibits all combinations of the character above described, whether they be reasonable or unreasonable, but this should be done only as part of a general scheme to provide for this effective and thoroughgoing supervision by the National

Government of all the operations of the big interstate business concerns.

In his special message of March, 1908, the President said:—

> This Anti-Trust Act was a most unwisely drawn statute. . . . It is mischievous and unwholesome to keep upon the statute book, unmodified, a law like the Anti-Trust Law, which, while in practice only partially effective against vicious combinations, has nevertheless in theory been construed so as sweepingly to prohibit every combination for the transaction of modern business. . . . The Congress cannot afford to leave it on the statute books in its present shape.

And he added that a bill had been presented to remedy the situation. So far as business combinations were concerned, this bill provided that any party to a contract or combination might file a copy of such contract with the Commissioner of Corporations, whereupon the commissioner, with the concurrence of the Secretary of Commerce and Labor, might, with or without a hearing, enter an order declaring that in his judgment such contract or combination is in unreasonable restraint of trade. If no such order should be made within thirty days after filing such contract, no prosecution by the

United States should lie unless the same be in unreasonable restraint of trade among the several States or foreign nations. However, the United States might institute a suit on account of any contract or combination of which a copy should not have been filed or as to which an order should have been entered as provided.

This bill was considered by a subcommittee of the House Committee on the Judiciary, but was never reported. It will be noticed that none of the legal questions were avoided in this bill. The duty of determining whether a contract is or is not in unreasonable restraint of trade was in the first instance merely shifted from the court to the Commissioner of Corporations. This was not a very good remedy for the defects in the Sherman Act, and I told the President so at the time. "You may be right," he said; "we may have to try something else." He had no personal pride in any particular bill; what he wanted was a remedy. I am emphasizing here his readiness to deal with the question in a constructive and not a destructive manner, and the entire absence on his part of hostility to combined capital as such, but merely to the attendant evils.

In the Standard Oil and Tobacco cases, decided in 1911, the Supreme Court adopted the "rule of reason" in the interpretation of the Sherman Act. Just how far it will extend is uncertain, as these cases involved monopolies.

The uncertainty as to the scope of the decision must probably remain until a case is decided involving the control of a considerable percentage, say, fifty per cent, or less, of a business into which others are free to enter or in which they are actually engaged. The case of the United States Steel Corporation, recently decided in the District Court of New Jersey, favorably to the corporation, and the pending Harvester Case are of this sort.

A wise construction of the Sherman Act would seem to be that no combination required by the business necessities of those entering it should, where the monopoly feature is absent, and where the business is one into which others are free to enter, be held to be a contract in restraint of trade within the terms of the Sherman Act.

The Sherman Act as applied to railroads involves a somewhat different question, and concerning this President Roosevelt said in 1908:—

The railways of the country should be put completely under the Interstate Commerce Commission and removed from the domain of the Anti-Trust Law. The power of the Commission should be made thoroughgoing, so that it could exercise complete supervision and control over the issue of securities as well as over the raising and lowering of rates. As regards rates, at least, this power should be summary. The power to investigate the financial operations and accounts of the railways has been one of the most valuable features in recent legislation. Power to make combinations and traffic agreements should be explicitly conferred upon the railroads, the permission of the Commission being first gained and the combination or agreement being published in all its details.

This seems to me entirely sound. The fact is that in the Trans-Missouri cases, in 1897, the minority opinion raised the question as to whether the provisions of the Act of 1890 were intended to apply to contracts between interstate carriers, entered into for the purpose of securing fairness in their dealings with each other, and tending to protect the public against improper discrimination and sudden changes in rates, and whether that statute was intended to abrogate the power of railway companies to make contracts that were expressly sanctioned by the Interstate Commerce Act of 1887. It

was pointed out that the Interstate Commerce Act was intended to regulate interstate commerce transported by railway carriers, and that the Act of 1890 was a general law not referring to carriers of interstate commerce. The minority opinion, concurred in by four justices of the court, was, that there was no intention on the part of Congress to abrogate, in whole or in part, the provisions of the Act of 1887 by the general Act of 1890, and that the Interstate Commerce Act of 1887 expressed the purpose of Congress to deal with a complicated, particular subject requiring special legislation, and that the act was an initiation of a policy by Congress looking to the development and working-out of a harmonious system to regulate interstate transportation. There is grave doubt as to whether Congress ever intended that contracts for the transportation of persons or property from one State to another should be covered by the provisions of the Sherman Act of 1890.

It may fairly be added that the power now possessed by the office of the Attorney-General over interstate transportation is one that should not exist. Under the penal section of the Sher-

man Act, the Attorney-General is practically given the power to compel the readjustment of the ownership of railroad properties under threat of criminal prosecution of individuals. This power, rightly exercised by one Administration, might be wrongly exercised by another, and two individuals holding the office of Attorney-General might reach different conclusions upon the same state of facts. Our railroad systems should not be at the mercy of any individual, but should be under the absolute control of the Interstate Commerce Commission, and once under such control should be free from the harassment and great expense both to them and to the Government of suits under the Sherman Act which can only confuse the situation, already sufficiently complex. The transportation business should be and must be, if efficient, a government-regulated monopoly.

Roosevelt and the Negro

Several incidents in Roosevelt's Administration brought the race question into great prominence.

In October, 1901, he invited Booker Washington to dine at the White House. The South

uttered angry protests and many people in the North condemned the act.

The Memphis "Commercial Appeal" said: "President Roosevelt has committed a blunder that is worse than a crime."

The New Orleans "Statesman" said that "his action was little less than a studied insult to the South."

The Memphis "Scimiter" said that it was "the most damnable outrage that has ever been perpetrated by any citizen of the United States."

On Memorial Day in 1902, Roosevelt, in his address, condemned lynching, which the South regarded as a sectional utterance.

The President appointed Dr. Crum, a negro, Collector of the Port of Charleston. A great protest was made, and Republican Senators asked him to withdraw the appointment, which he refused to do, saying that if the matter were not acted upon he would make a recess appointment. This he did.

In a letter to a citizen of Charleston, South Carolina, who protested against the appointment of Dr. Crum, the President stated his general principle as follows:—

I do not intend to appoint any unfit man to office. So far as I legitimately can, I shall always endeavor to pay regard to the wishes and feelings of the people of each locality; but I cannot consent to take the position that the doorway of hope — the door of opportunity — is to be shut upon any man, no matter how worthy, purely upon the grounds of race or color. Such an attitude would, according to my contentions, be fundamentally wrong. If, as you hold, the great bulk of the colored people are not yet fit in point of character and influence to hold such positions, it seems to me that it is worth while putting a premium upon the effort among them to achieve the character and standing which will fit them.

An article by John J. Vertrees in the June, 1903, number of the "Olympian," a magazine then published in Nashville, Tennessee, contained the following comment on Roosevelt's negro appointments: —

Mr. McKinley appointed negroes to office because they were negroes — thus making, as all perceived, a mere political play which was expected as a matter of course, and therefore gave no concern, but Mr. Roosevelt appoints regardless of race and because negroes are equal men — thus revealing a faith in that "solidarity" which Anglo-Saxons know can come only through the mongrelizing of their race. This is the reason why the negro looks to the President as a deliverer and the people of the South turn from him as one recreant and irresponsive to the instincts and appeals of his own blood and race.

Commenting on this, the Nashville "American" said: —

> Mr. Vertrees has admirably given expression to the Southern sentiment on the negro question.

It was suggested at the time that Hanna never affronted Southern sentiment and angered a Republican machine in the South by naming educated and independent negroes for office, and that what inflamed the South was not negro appointments, but high-class negro appointments.

Roused by the prevalence of lynching in the South, the President wrote a letter on the subject to Governor Durbin, of Indiana, upon which the "Nation" made the following comment: —

> President Roosevelt has put us all in his debt. From his letter to Governor Durbin there might well date a new patriotic and civilizing impulse, leading honest men everywhere to unite, in word and deed, and with every instrument of persuasion and of power, to put down those lawless bands that are today our greatest national danger as they are our deepest disgrace.

The President was rebuked by a Democratic Senator for having precipitated the race issue, and was reported to have said that if he could

be sure of reëlection on condition of turning his back on the principles of Abraham Lincoln, he would be incapable of making the bargain and that he would be unfit to be President if he could think of doing such a thing. And yet he retained some friends in the South. Upon the occasion of his Southern tour in 1905, the Birmingham "Age Herald" said: —

> The man whom the people came from all parts of Alabama to honor yesterday is emphatically an American who stands for all regardless of social lines or the size of pocket-books. A man of heartier American spirit and impulses has never occupied the presidential chair. He is an American from the ground up, a true type of the best aspirations of the Republic; the first citizen of this glorious land of liberty.

The Southern Democratic newspapers generally expressed a change of attitude toward him and said that he was more popular than any of his Republican predecessors.

In 1906, three companies of colored soldiers were discharged from the United States Army without honor because of the shooting-up by some of them of Brownsville, Texas. The guilty men could not be individually determined, — there was a "conspiracy of silence" among their

comrades to protect them, — and so the President discharged all and said of his action, "If any organization of troops, white or black, is guilty of similar conduct in the future, I shall follow precisely the same course." This incident aroused a great deal of criticism and led to an investigation and prolonged debate in the Senate. The matter was finally disposed of in 1909. A commission was appointed to determine what members of the battalion were eligible for reënlistment.

I mention these incidents to demonstrate that Roosevelt's conduct was not affected by any feeling of race prejudice. It was fair play and justice which the President was striving for. In one case it enraged the whites of the South; in the other, it provoked the hostility of the negroes North and South. He may have been wrong in one or in both, or in neither, but certainly no one can fairly question the honesty of his purpose.

Roosevelt and Labor

Roosevelt always showed sympathetic interest in the welfare of the wage-earner, but never failed to condemn the excesses of labor

unions. In his first message to Congress, he said: —

> Not only must our labor be protected by the tariff, but it should also be protected so far as it is possible from the presence in this country of any laborers brought over by contract, or of those who, coming freely, yet represent a standard of living so depressed that they can undersell our men in the labor market and drag them to a lower level.
>
> . . . . . .
>
> The most vital problem with which this country, and, for that matter, the whole civilized world, has to deal, is the problem which has for one side the betterment of social conditions, moral and physical, in large cities, and for another side the effort to deal with that tangle of far-reaching questions which we group together when we speak of "labor."

He speaks of the enforcement of the eight-hour law, the protection of women and children from excessive and unreasonable hours for work, under unsanitary conditions, and then says: —

> When all is said and done, the rule of brotherhood remains as the indispensable prerequisite to success in the kind of national life for which we strive. Each man must work for himself, and unless he so works no outside help can avail him; but each man must remember also that he is indeed his brother's keeper, and that while no man who refuses to walk can be carried with advantage to himself or any one else, yet that each at times stumbles or halts, that each

at times needs to have the helping hand outstretched to him. To be permanently effective, aid must always take the form of helping a man to help himself; and we can all best help ourselves by joining together in the work that is of common interest to all.

Subsequently, he said in another message: —

In the vast and complicated mechanism of our modern civilized life, the dominant note is the note of industrialism, and the relations of capital and labor, and especially of organized capital and organized labor, to each other and to the public at large, come second in importance only to the intimate questions of family life.

He recognized organized labor as a necessity, but insisted that it must not seek to attain its ends by improper means, and said: —

There is no objection to employees of the Government forming or belonging to unions; but the Government can neither discriminate for nor discriminate against non-union men who are in its employment.

He recognized the necessity both of organized capital and organized labor under proper supervision: —

The corporation has come to stay, just as the trade union has come to stay. Each can do and has done great good. Each should be favored as long as it does good, but each should be sharply checked where it acts against law and justice.

He believed that the rule of contributory

negligence should be abolished and that the loss in industrial accidents should fall on the employer. Is it not reasonable that the human machine, in its relations with capital, should be placed at least on terms of equality with the inanimate machine the entire cost and maintenance of which is met by the employer? Theoretically, of course, no one will dispute that a man should be able to earn enough through the bread-winning period, say from twenty to sixty, to carry him through life, the difficulty, of course, being in the number of factors — illness, bad habits, unemployment and the like — affecting the efficiency of the man which do not touch the inanimate machine. In the case of the latter, the prudent owner fixes a fair period of life for the machine, and then charges off enough each year, in addition to the cost of maintenance, to pay for the machine within the period. The same rule should, as far as feasible, apply to the human machine.

Roosevelt regarded his intervention in the coal strike, in the spring of 1902, as his most important act in connection with the labor question. It also illustrated his theory that when action is necessary, the Executive should

do everything not prohibited by law which he considers for the public welfare, and that any doubt should be resolved in favor of action.

It will be remembered that the strike began early in the spring of 1902 and continued through the summer and early autumn. Winter was approaching and a coal famine was imminent. The mines were located in the State of Pennsylvania, and the President had no power to act directly unless requested to do so by the state authorities, on the ground that, as commander-in-chief of the army, he must intervene to keep order. Meantime, he had caused the situation to be thoroughly investigated, and after somewhat prolonged negotiations, secured an agreement between the miners and operators to abide by the decision of a commission of arbitration which the President appointed — in the month of October — and the trouble was over. Had this method of settling the dispute not been agreed to, the President was ready to deal with the matter in drastic fashion. He has said that he would have requested the Governor of Pennsylvania to ask him to keep order, and that he would have then instructed the general in command to protect those who wanted to

work from the strikers, to dispossess the operators, and run the mines as a receiver.

When the Employers' Liability Act relating to common carriers was declared unconstitutional by the Supreme Court, on the ground that it applied to intra-state commerce, the President, in his special message of March, 1908, suggested that it be reënacted to meet the objections of the court, and that a further law be enacted to provide government employees with compensation for injury or death incurred in service. He also urged that child labor should be prohibited throughout the nation and that a model child-labor law should be passed for the District of Columbia.

He recommended that in injunctions in labor disputes —

> No temporary restraining order should be issued by any court without notice; and the petition for a permanent injunction upon which such temporary restraining order has been issued should be heard by the court issuing the same within a reasonable time — say, not to exceed a week or thereabouts from the date when the order was issued . . . the issue should be decided by another judge than the one issuing the injunction except where the contempt is committed in the presence of the court or in other case of urgency.

Elsewhere he expressed condemnation of labor leaders who demand that in a labor dispute no injunction should issue except to protect a property right and that the right to carry on a business should not be construed as a property right; that in a labor dispute any act or agreement between two or more persons should be legal if not unlawful when done by a single person, thus legalizing blacklisting and boycott, and that there should be a trial by jury in contempt cases.

The President summarized his views as follows: —

> The right of employers to combine and contract with one another and with their employees should be explicitly recognized; and so should the right of the employees to combine and to contract with one another and with the employers, and to seek peaceably to persuade others to accept their views, and to strike for the purpose of peaceably obtaining from employers satisfactory terms for their labor. Nothing should be done to legalize either a blacklist or a boycott that would be illegal at common law; this being the type of boycott defined and condemned by the Anthracite Strike Commission.

The President, in harmony with the doctrine he had always preached, ordered the reinstatement (1903) of Miller, who had been expelled

from his union and in consequence dismissed from the Government Printing Office. In addressing a note to several departments about union and non-union men, the President called attention to the findings of the Anthracite Coal Strike Commission, "that no person shall be refused employment or in any way discriminated against on account of membership or non-membership in any labor organization"; and declared that it is "mere elementary decency to require that the government departments shall be handled in accordance with the principles thus clearly and fearlessly enunciated."

In an interview with Samuel Gompers, James Duncan, John Mitchell, and other members of the Executive Council of the American Federation of Labor, in regard to the Miller case, the President said: —

I am President of all the people of the United States, without regard to creed, color, birthplace, occupation, or social condition. My aim is to do equal and exact justice as among them all. In the employment and dismissal of men in the government service, I can no more recognize the fact that a man does not belong to a union, as being for or against him, than I can recognize the fact that he is a Protestant or a Catholic, or a Jew or a Gentile, as being for or against him.

The "Nation" said, "the President has shown courage and statesmanship in refusing to let the unions hope for a moment that the nation will aid them in coercing unwilling workmen into the ranks of organized labor."

In 1903, the President made a Labor Day address at Syracuse in which he spoke of the community of interests among all Americans, and said: —

> We can keep our Government on a sane and healthful basis, we can make and keep our social system what it should be, only on condition of judging each man, not as a member of a class, but on his worth as a man. . . .
>
> The line of cleavage between good and bad citizenship lies, not between the man of wealth who acts squarely by his fellows and the man who seeks each day's wage by that day's work, wronging no one and doing his duty by his neighbor; nor yet does this line of cleavage divide the unscrupulous wealthy man who exploits others in his own interest from the demagogue, or from the sullen and envious being who wishes to attack all men of property, whether they do well or ill. On the contrary, the line of cleavage between good citizenship and bad citizenship separates the rich man who does well from the rich man who does ill, the poor man of good conduct from the poor man of bad conduct. This line of cleavage lies at right angles to any such arbitrary line of division as that separating one class from another, one

locality from another, or men with a certain degree of property from those of a less degree of property.

And on another occasion, referring to the lawlessness of some labor leaders, the President said: —

I urge my fellow citizens, the American men and women who earn their livelihood as wage-workers, to see that their leaders stand for honesty and obedience to law, and to set their faces like flint against any effort to identify the cause of organized labor, directly or indirectly, with any movement which in any shape or way benefits by the commission of crimes or lawless and murderous violence.

I think I have said enough to demonstrate that Roosevelt's attitude toward labor was perfectly fair, and that, while recognizing fully its right to organize, and while active in his support of legislation to remove from the back of labor every unnecessary burden, he was unsparing in his denunciation of lawless or unfair practices.

CHAPTER III

ROOSEVELT AND THE MONROE DOCTRINE

His Foreign Policy. The Army and Navy

I DISCUSS the Monroe Doctrine, foreign policy, and the army and navy in this order for the reason that the size of our army and navy is somewhat dependent upon the views held both of the Monroe Doctrine and of our foreign policy generally.

Roosevelt defined the Monroe Doctrine as a "declaration that there must be no territorial aggrandizement by any non-American power at the expense of any American power on American soil." He said: —

> We have deliberately made our own certain foreign policies which demand the possession of a first-class navy.
>
> The Monroe Doctrine should be treated as the cardinal feature of American foreign policy; but it would be worse than idle to assert it unless we intended to back it up, and it can be backed up only by a thoroughly good navy.

As to which the London "Spectator" said: —

> If the Monroe Doctrine is not to be consigned to

the waste-paper basket, it must rest in the last resource upon the naval and military power; and if America has not a fleet strong enough to say "Thus far, and no farther" to those who shall challenge the doctrine, that doctrine in the future will not prove worth the paper on which the Presidential Message of 1823 was written.

Commenting further upon the Monroe Doctrine and our duty to our sister American republics, Roosevelt said, in substance, in his message of December, 1905, that under no circumstances would the United States use the Monroe Doctrine as a cloak for territorial aggression, nor should it be used by any nation on this continent as a shield to protect it from the consequences of its own misdeeds against foreign nations, but that the punishment by the foreign nation must not take the form of territorial occupation; that it would be inadvisable to permit a foreign government to take possession, even temporarily, of the custom-houses of an American republic, and hence we might have to intervene to bring about some arrangement under which the obligation should be met; that this would be the only possible way to insure us against a clash with some foreign power; and that this position is in the

interest of peace as well as in the interest of justice. He adds: —

> This brings me to what should be one of the fundamental objects of the Monroe Doctrine. We must ourselves, in good faith, try to help upward toward peace and order those of our sister republics which need such help. Just as there has been a gradual growth of the ethical element in the relations of one individual to another, so we are, even though slowly, more and more coming to recognize the duty of bearing one another's burdens, not only as among individuals but also as among nations.

This he illustrates by reference to our policy toward San Domingo, when a foreign nation was about to seize her territory as security for debts incurred.

The President elsewhere described the arrangement as follows: —

> It was agreed that we should put a man in as head of the custom-houses, that the collection of customs should be entirely under the management of that man, and that no one should be allowed to interfere with the custom-houses. Revolutions could go on outside them without interference from us; but the custom-houses were not to be touched. We agreed to turn over to the San Domingo Government forty-five per cent of the revenue, keeping fifty-five per cent as a fund to be applied to a settlement with the creditors. The creditors also acquiesced in what we had done, and we started the new arrangement. . . . I

was actually assailed, right and left, by the more extreme members of the peace propaganda in the United States for what I did in San Domingo; most of the other professional peace advocates took no interest in the matter, or were tepidly hostile; however, I went straight ahead and did the job. The ultra-peace people attacked me on the ground that I had "declared war" against San Domingo, the "war" taking the shape of the one man put in charge of the custom-house! . . . I disregarded those foolish people, as I shall always disregard sentimentalists of that type when they are guilty of folly. At the present we have comparative peace and prosperity in the island, in consequence of my action, and of my disregard of these self-styled advocates of peace.

Our acquisition of the Philippines imposed obligations upon our Government which could not be discharged without the army and navy, and Roosevelt's position upon this subject may properly be discussed here. From the first he stood with the great majority of his party in favor of the acquisition of those islands, and said in 1899: —

Of course there are some anti-expansionists whose opposition to expansion takes the form of opposition to American interests, and with these gentry there is no use dealing at all. Whether from credulity, from timidity, or from sheer lack of patriotism, their attitude during the war was as profoundly un-American as was that of the "Copperheads" in 1861. Starting

from the position of desiring to avoid war even when it had become unavoidable if our national honor was to be preserved, they readily passed into a frame of mind which made them really chagrined at every American triumph, while they showed very poorly concealed satisfaction over every American shortcoming; and now they permit their hostility to the principle of expansion to lead them into persistent effort to misrepresent what is being done on the Islands and parts of islands which we have actually conquered.

He always asserted that we occupied the Islands for the good we could do there, and speaking of the anti-imperialists said: "Those of our people here at home who have specially claimed to be the champions of the Filipinos have in reality been their worst enemies." And in commenting upon their desire to grant self-government to Luzon under Aguinaldo, he said that it "would be like granting self-government to an Apache Reservation under a local chief." He always said, however, that when the people should have shown their capacity for real freedom by their power of self-government, then it would be possible to decide whether they are to exist independently, but that he could not turn loose the Islands to be butchered.

Roosevelt here speaks of the band of anti-

imperialists who continuously kept up their opposition to the policy of the Government toward the Philippines. I did not belong to that body, but I was strongly opposed to the policy of our Government and was in a very small and ill-thought-of minority in my own party.

There will never be recorded a more sudden and revolutionary change in a fundamental policy of a great nation than that manifested in our acquirement of the Philippine Islands. For over a hundred years we had adhered closely to our continental policy of keeping aloof from European politics and the entangling alliances against which Washington warned us in his Farewell Address. In a single night this policy was abandoned, and we placed our foreign relations at the mercy of the fortunes of island possessions on the other side of the globe, inhabited by people with whom we had no affiliations of race, language, creed, or color, and toward whom we had no responsibilities excepting those which we chose to assume or forcibly to acquire. This is not the place for any extended discussion of the subject, the great difficulties of which I appreciate. I only mention it here as having a

bearing upon Roosevelt's views of our army and navy.

His foreign policy was based upon a very simple rule, which was, as he puts it, to behave toward other nations as a strong and self-respecting man should behave toward the other men with whom he is brought into contact. In other words, our aim is disinterestedly to help other nations where such help can be wisely given without the appearance of meddling with what does not concern us; to be careful to act as a good neighbor and at the same time in good-natured fashion to make it evident that we do not intend to be imposed upon. Or, as he put it in another way, "Speak softly and carry a big stick."

With these views of our duties, it is less necessary to say that Roosevelt always favored preparedness for war, as the best means, however, for securing peace, than to say that he regarded war as something to be avoided if possible and honorable peace to be desired above all things. On one occasion he said: —

> . . . Unjust war is to be abhorred; but woe to the nation that does not make ready to hold its own in time of need against all who would harm it! And woe

thrice over to the nation in which the average man loses the fighting edge, loses the power to serve as a soldier if the day of need should arise!

And on another:—

A wanton or useless war, or a war of mere aggression, is to be condemned as a peculiarly atrocious crime against humanity. As the world is now, only that nation is equipped for peace that knows how to fight and that will not shirk from fighting if ever the conditions become such that war is demanded in the name of the highest morality.

He was continually preaching the necessity for cultivating the stern virtues always needed when a crisis comes to the nation or the individual. As he put it:—

One of the prime dangers of civilization has always been its tendency to cause the loss of virile fighting virtues, of the fighting edge. When men get too comfortable and lead too luxurious lives, there is always danger lest the softness eat like an acid into their manliness of fibre.

That there was need for such preachment, I think no thoughtful person will deny. This is and has been for some time an age of luxury in America. We have been free from any great catastrophe; and, as a nation, have been largely engaged in getting and spending. Until the national income tax was imposed, a man might

go from the cradle to the grave without realizing that he had any relation with the National Government, much less that he owed it any duty. The national taxes were for the most part, as they affected the individual, indirect. There was no compulsory military service and our citizens came naturally to think of the nation as a benevolent institution from which much was to be expected and to which nothing should be given of treasure or service. That this is a dangerous attitude of mind, I think all will agree. Nor were the conditions surrounding the individual such as to develop the sterner virtues in those who were removed from the privations of poverty. The character of the early settler was hardened by the daily struggle with nature for a livelihood and with the savages to preserve life. This may have developed natures which were stern and forbidding, but it bred into our people some great qualities, and it was well for Roosevelt to call the attention of his countrymen to the fact that if we are to hold our own, these qualities must be preserved: well that in the days of personal indulgence and enervating influences there should be an apostle to preach and practice the doctrine of "the strenuous life."

Roosevelt's desire for peace was not confined to words. Baron d'Estournelles de Constant, the French pacifist, said: —

President Roosevelt has already given four striking lessons to Europe — first, in having brought before the Arbitration Tribunal at The Hague the question between Mexico and the United States over the Pious Fund claims, while Europe was scoffing at the peace court which it had created; second, in obliging Europe to settle pacifically the Venezuelan affair; third, in proposing a second Peace Conference at The Hague to complete the work of the first; and, fourth, in now intervening to put an end to the hecatombs in the Far East.

Of the negotiations undertaken by Roosevelt to bring about peace between Russia and Japan, the London "Times" said, in August, 1905: —

Whatever may be the outcome of the negotiations, civilized mankind will not forget or undervalue the part Mr. Roosevelt has played in bringing them about. The issue rests in other hands than his, but the efforts he has made in the cause of peace, whether followed by success or failure, have won for him the gratitude of the world. He has done his duty as peacemaker faithfully and with a single mind.

Because of these services, Roosevelt received the Nobel Prize of about $40,000, which he gave in support of a plan to establish at Washington,

a permanent industrial peace committee — a plan which it has not been found practicable to carry out.

Roosevelt was not opposed to disarmament so far as it was a safe thing to do; but he said on one occasion: —

> Nothing would more promote iniquity, nothing would further defer the reign upon earth of peace and righteousness than for the free and enlightened peoples which, though with much stumbling and many shortcomings, nevertheless strive toward justice, deliberately to render themselves powerless while leaving every despotism and barbarism armed and able to work their wicked will.

Roosevelt has been criticized for his opposition to some of the so-called "Arbitration Treaties," but his reasons seem sound: —

> We, the people of the United States, cannot and will not surrender to outsiders the power to determine whether or not we are fit to decide for ourselves what are our vital needs, and what are the policies proper for meeting these needs. In other words, Uncle Sam does not intend to wrong any one, but neither does he intend to bind himself, if his pocket is picked, his house burglarized, or his face slapped, to "arbitrate" with the wrong-doer; and as long as he does not intend so to bind himself, it would be offensive hypocrisy for him to say that he will so bind himself.

He was not disposed to rest in any position of false security or to make or permit to be made promises that could not be kept. His course may not have been satisfactory to those who prefer to see things as they would have them and not as they are, but it was honest. He was continually commenting upon the national short-sightedness in failing to provide for the efficiency of the army in times of peace and had little patience with those who feared that this would tend to militarism. He said: —

> Declamation against militarism has no more serious place than declamation against Baal or Astaroth.
>
> The only way to have men ready in time of war, is to teach them in time of peace.

He believed in teaching men and boys to shoot straight. He said: —

> We should establish shooting-galleries in all the large public and military schools; should maintain national target ranges in different parts of the country and should in every way encourage the formation of rifle clubs throughout all parts of the land. The little Republic of Switzerland offers us an excellent example in all matters connected with building up an efficient citizen soldiery.
>
> The training of our young men in field maneuvers and in marksmanship, as is done in Switzerland, and to a slightly less extent in Australia, would be of

immense advantage to the physique and morale of our whole population. It would not represent any withdrawal of our population from civil pursuits, such as occurs among the great military states of the European Continent.

Roosevelt was always impatient of humbug and "hifalutin'," particularly in connection with practical matters. For instance, when recently some Senator said that we needed no regular army, because in the event of war "ten million freemen would spring to arms, the equals of any regular soldiers in the world," Roosevelt, in his whimsical way said: —

If the Senator's ten million men sprang to arms at this moment, they would have at the outside some four hundred thousand modern rifles to which to "spring." Perhaps six hundred thousand more could "spring" to squirrel pieces and fairly good shotguns. The remaining nine million men would have to "spring" to axes, scythes, hand-saws, gimlets, and similar arms.

He was always particularly interested in the navy. He had written a book about it from which I have quoted, had been Assistant Secretary, and had much technical knowledge of the subject. He urged that the upbuilding of the navy, begun in 1882, be continued, and that a national naval reserve be established. During

his Administration, we had naval maneuvers on a large scale for the first time in our history, with constantly increasing attention paid to gunnery. As Roosevelt tersely put the fact, "In battle the only shots that count are the shots that hit."

He took the very sensible view that our ships must be at sea in order that the men and equipment might be kept at the highest point of efficiency.

On one occasion he said: —

> No fighting ship of the first class should ever be laid up save for necessary repairs; and her crew should be kept constantly exercised on the high seas, so that she may stand at the highest point of perfection.

No one can fairly dispute the soundness of this position. One might say that we should have no ships and make an argument, but no one could defend the position that we should have inefficient ships.

A battleship is a machine; not only that, but a very complicated machine. Every one knows, who knows anything of the subject, that a machine of any kind to be kept efficient must be run and run constantly, not intermittently. A machine which to the eye of the

novice is complete is very far from being so; it is not completed until it is efficient, and that can only be when every part is working perfectly under the guidance of experienced and trained human intelligence. This requires constant use. A ship that is not efficient is worse than no ship, because it holds out the promise of offense or defense that cannot be kept, just as a battery that can't shoot straight might just as well be without ammunition. It was with this end in view — to keep our fleet efficient — that it was sent to the Pacific and then around the world. Both events were sharply criticized, but both were abundantly justified by those who apply the rules of ordinary common sense to a practical question. The fleet reached Hampton Roads, at the conclusion of its 42,000-mile cruise, on February 21, 1909. Upon this occasion President Roosevelt made the following speech: —

Admiral Sperry, officers and men of the battle fleet: Over a year has passed since you steamed out of this harbor, and over the world's rim, and this morning the hearts of all who saw you thrilled with pride as the hulls of the mighty warships lifted above the horizon. You have been in the northern and southern hemispheres; four times you have crossed

the line; you have steamed through all the great oceans; you have touched the coast of every continent. Ever your general course has been westward; and now you come back to the port from which you set sail. This is the first battle fleet that has ever circumnavigated the globe. Those who perform the feat again can but follow in your footsteps.

The little torpedo flotilla went with you around South America, through the Straits of Magellan, to our own Pacific Coast. The armored cruiser squadron met you and left you again when you were halfway round the world. You have falsified every prediction of the prophets of failure. In all your long cruise not an accident worthy of mention has happened to a single battleship, nor yet to the cruisers or torpedo boats. You left this coast in a high state of battle efficiency, and you returned with your efficiency increased, better prepared than when you left, not only in personnel, but even in material.

During your world cruise you have taken your regular gunnery practice, and skilled though you were before with the guns, you have grown more skillful still and through practice you have improved in battle tactics, though here there is more room for improvement than in your gunnery. Incidentally, I suppose, I need hardly say that one measure of your fitness must be your clear recognition of the need always steadily to strive to render yourselves more fit; if you ever grow to think that you are fit enough, you can make up your minds that from that moment you will begin to go backward.

As a war machine, the fleet comes back in better shape than it went out. In addition, you, the officers

and men of this formidable fighting force, have shown yourselves the best of all possible ambassadors and heralds of peace. Wherever you have landed you have borne yourselves so as to make us at home proud of being your countrymen. You have shown that the best type of fighting men of the sea knows how to appear to the utmost possible advantage when his business is to behave himself on shore and to make a good impression in a foreign land.

When I left the Presidency [said Roosevelt], there was not a cloud on the horizon — and one of the reasons why there was not a cloud on the horizon was that the American battle fleet had just returned from its sixteen months' trip around the world, a trip such as no other battle fleet of any power had ever taken, which it had not been supposed could be taken, and which exercised a greater influence for peace than all the peace congresses of the last fifty years. With Lowell I most emphatically believe that peace is not a gift that tarries long in the hands of cowards; and the fool and the weakling are no improvement on the coward.

In his special message of April 14, 1908, Roosevelt again urged upon Congress the need of providing four battleships of the best and most advanced type — action which was recommended by the General Board and by the Secretary of the Navy. In this message Roosevelt said: —

. . . Prior to the recent Hague Conference it had been my hope that an agreement could be reached between the different nations to limit the increase of naval armaments, and especially to limit the size of warships. Under these circumstances I felt that the construction of one battleship a year would keep our navy up to its then positive and relative strength. But actual experience showed not merely that it was impossible to obtain such an agreement for the limitation of armaments among the various leading powers, but that there was no likelihood whatever of obtaining it in the future within any reasonable time. Coincidentally with this discovery occurred a radical change in the building of battleships among the great military nations — a change in accordance with which the most modern battleships have been or are being constructed, of a size and armament which doubles, or more probably trebles, their effectiveness. Every other great naval nation has or is building a number of ships of this kind; we have provided for but two, and therefore the balance of power is now inclining against us. Under these conditions, to provide for but one or two battleships a year is to provide that this nation, instead of advancing, shall go backward in naval rank and relative power among the great nations. Such a course would be unwise for us if we fronted merely on one ocean, and it is doubly unwise when we front on two oceans. . . . I earnestly advise that the Congress now provide four battleships of the most advanced type. I cannot too emphatically say that this is a measure of peace and not of war. I can conceive of no circumstances under which this Republic would enter into an aggressive

war; most certainly, under no circumstances would it enter into an aggressive war to extend its territory or in any other manner seek material aggrandizement. I advocate that the United States build a navy commensurate with its powers and its needs, because I feel that such a navy will be the surest guaranty and safeguard of peace. . . . It is idle to assume, and from the standpoint of national interest and honor it is mischievous folly for any statesman to assume, that this world has yet reached the stage, or has come within measurable distance of the stage, when a proud nation, jealous of its honor and conscious of its great mission in the world, can be content to rely for peace upon the forbearance of other powers. It would be equally foolish to rely upon each of them possessing at all times and under all circumstances and provocations an altruistic regard for the rights of others. . . .

. . . To any public man who knows of the complaints continually made to the State Department there is an element of grim tragedy in the claim that the time has gone by when weak nations or peoples can be oppressed by those that are stronger without arousing effective protest from other strong interests. Events still fresh in the mind of every thinking man show that neither arbitration nor any other device can as yet be invoked to prevent the gravest and most terrible wrong-doing to peoples who are either few in numbers or who, if numerous, have lost the first and most important of national virtues — the capacity for self-defense.

When a nation is so happily situated as is ours — that is, when it has no reason to fear or to be feared

by its land neighbors — the fleet is all the more necessary for the preservation of peace. Great Britain has been saved by its fleet from the necessity of facing one of the two alternatives — of submission to conquest by a foreign power or of itself becoming a great military power. The United States can hope for a permanent career of peace on only one condition, and that is, on condition of building and maintaining a first-class navy; and the step to be taken toward this end at this time is to provide for the building of four additional battleships. I earnestly wish that the Congress would pass the measures for which I have asked for strengthening and rendering more efficient the army as well as the navy; all of these measures as affecting every branch and detail of both services are sorely needed, and it would be the part of far-sighted wisdom to enact them all into laws, but the most vital and immediate need is that of the four battleships.

. . . . . .

I cannot recommend to your notice measures for the fulfillment of our duties to the rest of the world without again pressing upon you the necessity of placing ourselves in a condition of complete defense and of exacting from them the fulfillment of their duties toward us. The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be

able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war.

This recommendation of four battleships was not adopted by Congress. I voted to sustain the committee which favored two, and the views then expressed by Roosevelt excited only languid interest among the people of the country — excepting where they aroused sharp condemnation. As one paper expressed it, "The sober part of this nation is not inclined to the reckless policy of building enormous fleets." But be it observed, the arguments used by Roosevelt in 1908 are the arguments which in 1915 are being urged from every platform where "national defense" is discussed and by those who have been very recent converts to the cause. The policy now advocated by Roosevelt is what it has always been.

Perhaps the time is at hand when we should diminish the zone of our responsibilities. To accomplish this would make necessary our relinquishment of the Philippines and the restriction of the Monroe Doctrine to an area essential to the protection of our own territory. We

could then confine our efforts to an army and navy best adapted for purposes of defense and feel certain that we were undertaking a task we might expect adequately to perform. We might, too, then feel that we were more strictly following in the pathway marked out by Washington in his Farewell Address; which is read annually in both Houses of Congress for our guidance.

Roosevelt always showed great interest in the restoration and development of our merchant marine, so essential to the permanent prosperity of the country.

In his first message to the Fifty-seventh Congress, in 1901, the President called attention to the condition of the American merchant marine, and said that it called for immediate remedial action to the end that it might be restored to the ocean. In his message to the Fifty-eighth Congress, at the second session, in December, 1903, he recommended the appointment of a commission to report to the next session of Congress "what legislation is desirable or necessary for the development of the American merchant marine and American commerce, and incidentally of a national ocean mail service

of adequate auxiliary naval cruisers and naval reserves."

In his message at the opening of the Fifty-ninth Congress, the President referred to the report of this commission, made at the previous session, and expressed the hope that the views therein expressed or a major part of them might be enacted into law, and said: —

> If it prove impracticable to enact a law for the encouragement of shipping generally, then at least provision should be made for better communication with South America, notably for fast mail lines to the chief South American ports. It is discreditable to us that our business people, for lack of direct communication in the shape of lines of steamers with South America, should, in that great sister continent, be at a disadvantage compared to the business people of Europe.

A bill passed the Senate, and then the House with some modifications. It then went back to the Senate for concurrence, and was talked to death by two Democratic Senators whose terms of office expired with that Congress on March 4, 1907.

In his message of December, 1907, the President referred to the "unfortunate failure of the shipping bill at the last session of the last Con-

gress," and called attention to the fact that it "was followed by the taking off of certain Pacific steamships." Later in this message, he recommended "the extension of the ocean mail act of 1891," upon the theory "that it is the duty of a first-class power, so far as practicable, to carry its ocean mails under its own flag; that the fast ocean steamships and their crews, required for such mail service, are valuable auxiliaries to the sea power of a nation." Legislation based upon this recommendation also failed of enactment.

The Tariff

Speaking of his study of political economy in college, Roosevelt said in his autobiography: "As regards political economy, I was, of course, while in college, taught the *laissez-faire* doctrines — one of them being free trade — then accepted as canonical." He was one of the original members of the Finance Club at Harvard, organized when we were students to promote the discussion of financial and kindred questions. He took courses in political economy under the late Professor Charles F. Dunbar and Professor J. Laurence Laughlin, now of Chicago Univer-

sity. His principal textbooks were "Principles of Political Economy," by John Stuart Mill, and "Some Leading Principles of Political Economy," by J. E. Cairnes. Like most college graduates, he was disposed to be a free trader. As he has never engaged in any business affected by the tariff, the practical considerations involved in the subject have never been brought home to him.

When he wrote the "Life of Benton," in 1886, he said, speaking of the tariff: —

> Free traders are apt to look at the tariff from a sentimental standpoint; but it is in reality a purely business matter, and should be decided solely on grounds of expediency. Political economists have pretty generally agreed that protection is vicious in theory and harmful in practice; but if the majority of the people in interest wish it, and it affects only themselves, there is no earthly reason why they should not be allowed to try the experiment to their hearts' content.

His position on this question when he was President was that he did not believe that the question of lowering or raising the duties as proposed by the two parties, in any way approached in importance the trust or labor problems, so called. He believed that those who

urged upon him the necessity for taking up the tariff knew that the tariff would be a red herring across the path of moral and industrial reform. He believed in a protective tariff, administered under a tariff commission like that in Germany, a plan which neither party would support. He believes that the Taft and Woodrow Wilson tariffs both did damage and that the result demonstrates that he was right in thinking that if he had taken up the tariff no good would have followed, and that he would have played into the hands of those who wished the tariff thrown open to discussion merely to avoid action on matters which he regarded as of infinitely greater importance.

I think that in his political life he had very little interest in the subject, very likely because there was no revision of the tariff while he was President, which was perhaps fortunate. He accepted the party position and stated it forcibly in his various messages. Had the need arisen I do not doubt that he would have dealt with the matter with his customary vigor and intelligence, and he would, I am sure, have listened patiently to the great variety of views so tenaciously held on this most perplexing subject.

We have not had a President in recent times who so generously invited opinions from every quarter as did Roosevelt. He did not assume in advance that he knew everything about a subject and was quick to admit his lack of knowledge. What I have said is well illustrated by the following correspondence. I wrote him as follows: —

WORCESTER, MASS.,
August 31, 1911.

I fear that we are in for a very discouraging year in politics; the evil day of tariff revision is merely postponed, and I fear that too much is expected of the Tariff Board. It sounds well to talk about scientific revision of the tariff, but it is an idle dream. The difference in cost of production varies from day to day, and cannot be definitely ascertained. It will vary in our own cotton mills from time to time, sometimes as much as one half a cent a yard, or more, depending upon the variation in the price of cotton due to natural causes. The 1908 tariff plank was most unhappily phrased, and the guarantee of a reasonable profit was almost a crime. A tariff high enough to insure the home market to the home producer at reasonable prices is as near as we can ever get to an enunciation of the protective policy, and where this point is can be better ascertained by studying our imports than by trying to ascertain difference in cost of production. I do not see any escape from a prolonged and perhaps acrimonious discussion in the

next session of Congress. One discouraging condition is the utter lack of candor in discussing the matter. We hear much of the "Woolen Trust," the "Worsted Trust," "Cotton Trust," — all creations of the imagination, but creative of much unrest with the people. The people do not seem to realize that what manufacturers want is a big output at small margins. A man who wears a fifty-cent shirt would not complain if he knew what is the fact — that the manufacturer of the cloth is happy to make half a cent on the two and a half yards it takes to make the shirt. The unhappy man who wears the shirt probably has an idea that the "trust" pockets forty-nine cents. If the Tariff Board performs any valuable service, it will not be in discovering the difference in cost of production between here and "abroad," but in putting before the people some facts in regard to the conditions under which our staples are produced which will convince the public that, take them as a whole, the manufacturers are not making unduly large profits, and which will lead our people to see that, in order to insure low cost of production, we must *keep for ourselves the home market.* Otherwise our mills will run on short time, our people will be idle, and our cost of production will be high. I had the curiosity last autumn to have computed the difference in the cost of a certain kind of cotton goods running the mill twelve months in the year and running it nine months, and found that the difference would be about three-tenths of a cent per yard, which is quite a good profit. In other words, if the Lancashire spinners send goods enough into New England to keep our mills running three fourths of the time, we will not only have our

streets full of the idle and suffering poor, but the cost of the goods we do make will be very considerably increased. I am not deceived at all by the popular delusion touching wages here and abroad. I know very well that the most efficient labor is the cheapest and that the lowest cost of production is sometimes accompanied by the highest rate of wages, so that in some lines of business, — for example, the manufacture of steel rails, — no tariff at all is needed because of the labor cost, but it is very important to protect our markets against the importation of large quantities of foreign goods when the foreign demand may be small, because that utterly disarranges the running of our own mills and puts them on short time, which, as I have suggested above, not only means suffering for our people, but high cost of production. I doubt myself the wisdom of the reciprocity arrangement at this time with Canada, and for the reason that politically it seems to me a very unwise thing for a Republican President to force through a proposition which splits his own party in two. I think the proposition is, for the moment, popular with the people, but I fear that the interests affected or thought to be are likely to resent the discrimination which has been made, manifested in a willingness to legislate upon them *before* any investigation by the Tariff Board, when other interests are very jealously protected *until* they shall have been investigated by the Tariff Board. I earnestly hope that the party will not suffer, but profit by the policy which has been pursued, but I have my doubts about it.

To which Roosevelt made the following reply:

September 2d, 1911.

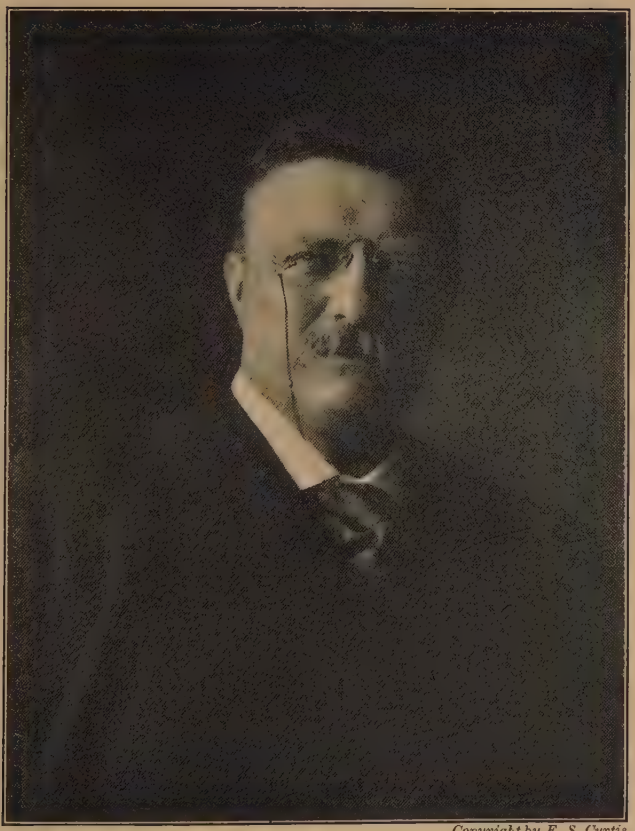
That is a most interesting letter of yours. It gave me some totally new ideas; and when missionary work is needed for me, it must be needed for some other people too. As regards Canadian Reciprocity, the trouble is, as you say, that to push it through at the expense of the farmers, who are restive about the tariff anyhow, tends to make them ready to favor any cut at the expense of the manufacturers.

Upon this point of his willingness to receive suggestions, Secretary Hay wrote in his Diary, November 20, 1904: —

I read the President's message in the afternoon. ... Made several suggestions as to changes and omissions. The President came in just as I had finished and we went over the matter together. He accepted my ideas with that singular amiability and open-mindedness which form so striking a contrast with the general idea of his brusque and arbitrary character.

In his message of December, 1907, he said that the country was committed to the system of protection, but that every dozen years, or so, the tariff should be scrutinized and should compensate for the difference in labor cost; a view which, as I have said, I consider rather superficial.

Some of his other comments on the tariff will



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THEODORE ROOSEVELT, 1904

not stand the test of analysis; for example, he once said: "I am for a protective tariff that gets past the mill offices down into the pockets of the workingman." Now, the only way that the tariff can benefit the workingman is to provide him with employment. The rate of wages is determined by other influences, and in the long run must be substantially the market rate for labor of the same sort in the same locality. To say, as Roosevelt once did, — "If the wage rate is not proper, if the conditions of life among laboring people are not proper, then we recommend that the tariff be taken off entirely," — is merely another way of saying that low wages are worse than lower wages, or no wages at all. I do not know of any great protected product in the manufacture of which there is not present the element of competition. Where this is true, domestic competition insures the sale of the product at as low prices as are possible under conditions prevailing here. Roosevelt distinctly repudiated the erroneous doctrine that the trusts could be destroyed by removing the tariff.

Conservation

There is no great movement championed by Roosevelt and urged by him upon Congress and the nation which will be of more lasting benefit to his countrymen than that for the conservation of our national resources, which, up to almost the present time, have been used with reckless prodigality.

Roosevelt's interest in this subject was roused when he was Governor of New York and had under consideration the Adirondack forests, in connection with which he consulted Gifford Pinchot. In January, 1900, an agreement was made between New York State and the Federal Government by which the latter began systematic measurement of the streams of the State.

The beginnings of the conservation movement are recorded in a book on the "Arid Lands of the West," written, about 1880, by Major John W. Powell, then Director of the Geological Survey. Frederick H. Newell, Director of the Reclamation Service, printed the results of his investigation under the title of "The Public Lands and their Water Supply,"

in the 16th Annual Report of the United States Geological Survey.

When Roosevelt became President, he requested Newell and Pinchot to prepare memoranda for his use in writing his first message to the Fifty-seventh Congress.

In that message he recommended that additions be made to the forest reserves and that their protection be transferred from the General Land Office to the Bureau of Forestry. The President said: —

> The water-supply itself depends upon the forest. In the arid region it is water, not land, which measures production. The western half of the United States would sustain a population greater than that of our whole country to-day if the waters that now run to waste were saved and used for irrigation. The forest and water problems are perhaps the most vital internal questions of the United States.

He suggested that great storage works were necessary to save the flood waters and that irrigation works would open up to homestead settlement great areas of the public land. He also recommended preserves for the wild forest creatures. In October, 1903, Roosevelt designated Pinchot and Newell, together with W. A. Richards, the Land Commissioner, as a Public

Lands Commission, to report to him. This was the beginning of the movement. The problem, as Roosevelt once put it, was one "of utilizing the natural resources of the nation in a way that will be of the most benefit to the nation as a whole."

The subject was again referred to in the message of December, 1904; and in that of 1906, the President recommended the withdrawal of coal lands, which should be owned by the Government, but worked by private individuals under a royalty system; and elsewhere he favored the preservation of the forests of the White Mountains and of the Southern Appalachians, a project which was subsequently undertaken by the Government. In his message of December, 1907, he favored the development of reclamation work and the stopping of unlawful fencing of public lands. He uttered a warning that the country was in danger of a timber famine and that the forests should be conserved. Again, in January, 1908, he spoke of the effort to secure equality of opportunity: —

> In the interest of the small settlers and landowners, and against the embittered opposition of wealthy owners of huge wandering flocks of sheep,

or of corporations desiring to rob the people of coal and timber, we strive to put an end to the theft of public land in the West.

In his message of March, 1908, he repeats a recommendation for the development of our inland waterways and the appointment of a permanent Waterways Commission, speaks of the conservation of our natural resources as vital for the future of the nation, and states that he "will veto any water-power bill not providing for time limit and for the right of the President or Secretary concerned to fix and collect such a charge as he may find just and reasonable in each case."

In December, 1908, he urges short-time franchises for corporations getting power from water rights and recommends national as well as state guardianship of mines and forests. He insists that "we should leave our national domain to our children increased in value and not worn out," and by pictorial illustrations graphically shows the results in China of deforestation. He recommends that the national parks be placed under the control of the Forest Service of the Agricultural Department.

In March, 1907, he added sixteen million

acres to the forest reservations just before he signed an act of Congress forbidding such reservations hereafter to be made except by Congress itself. Roosevelt's explanation of this incident is somewhat amusing. In speaking of the attacks upon the Forest Service, he said: —

> While the Agricultural Appropriation Bill was passing through the Senate, in 1907, Senator Fulton, of Oregon, secured an amendment providing that the President could not set aside any additional national forests in the six Northwestern States. This meant retaining some sixteen million of acres to be exploited by land-grabbers and by the representatives of the great special interests, at the expense of the public interest. But for four years the Forest Service had been gathering field notes as to what forests ought to be set aside in these States, and so was prepared to act. It was equally undesirable to veto the whole Agricultural Bill, and to sign it with this amendment effective. Accordingly, a plan to create the necessary national forests in these States before the Agricultural Bill could be passed and signed was laid before me by Mr. Pinchot. I approved it. The necessary papers were immediately prepared. I signed the last proclamation a couple of days before, by my signature, the bill became law; and when the friends of the special interests in the Senate got their amendment through and woke up, they discovered that sixteen million acres of timberland had been saved for the people by putting them in the national

forests before the land-grabbers could get at them. The opponents of the Forest Service turned handsprings in their wrath, and dire were their threats against the Executive; but the threats could not be carried out, and were really only a tribute to the efficiency of our action.

Roosevelt vetoed a bill authorizing the construction of a dam across the James River in Missouri, for the reason that it gave to the grantee a valuable privilege which by its very nature is monopolistic and does not contain the conditions essential to protect the public interest. The bill was similar to the Rainy River Dam Bill of the previous spring, April 13, 1908, vetoed by the President, which ultimately became a law because the company then agreed in writing to submit to such conditions as might be imposed by the Secretary of War, including a time limit and a reasonable charge. In May, 1908, and again in December, 1908, there was, at the request of the President, a convention in Washington of the governors of the different States upon the subject of conservation, which did much to stimulate national interest in the subject. This suggested a North American Conservation Conference, and in January, 1909, the President, through Gifford Pinchot, asked Earl

Grey, Governor-General of Canada, Sir Wilfrid Laurier, and President Diaz of Mexico to send representatives to a conference on the conservation of the natural resources of North America, to be held in Washington in February, 1909. This meeting suggested a conference of all the nations on the subject of "world resources," and an invitation was sent by our Secretary of State to forty-five nations to a conference to be held at The Hague. The project, however, lapsed with the Roosevelt Administration.

Some doubt was expressed as to the right of the President to withdraw public lands from location. Touching this question it was decided, by the Supreme Court, in United States *vs.* The Midwest Oil Company, February 23, 1915, that the long-continued practice, the acquiescence of Congress, as well as the decisions of the court, all show that the President had the power.

I happened to pick up, some time ago, an Arizona paper. My eye fell on the following statement: —

> Ten years ago farm land in the Salt River Valley was worth from thirty-five to a hundred dollars per acre. It is now worth from seventy-five to five hundred dollars. . . .

What effected the change?

The credit should be given to the Roosevelt Reservoir. . . . The Roosevelt Reservoir right now has more water in it than it ever had before, giving positive insurance of crops in the Salt River Valley for years to come. It is three fourths full, and will be entirely filled before the snow stops melting this spring.

A reservoir in the desert which insures constant and increasing benefit to mankind is a much finer memorial than the great pyramid of Cheops, likewise in the desert, but serving no useful purpose excepting to remind us of an ancient superstition.

Relations with Congress

I shall now speak briefly of Roosevelt's relations with Congress. His first message was entirely characteristic. He gave adequate consideration to the great tragedy that made him President, but he was from the outset his own master. His messages were always addressed quite as much to the people as to Congress, and in time it came to be generally accepted that whenever he thought it necessary he went over the heads of Congress to the people.

In speaking of the President's power, Mr.

Bryce says, in the "American Commonwealth" (vol. 1, p. 223):—

> An individual man has some great advantages in combating an assembly. His counsels are less distracted. His secrets are better kept. He may sow discord among his antagonists. He can strike a more sudden blow. Julius Cæsar was more than a match for the Senate, Cromwell for the Long Parliament, even Louis Napoleon for the French Assembly of 1851. Hence, when the President happens to be a strong man, resolute, prudent, and popular, he may well hope to prevail against a body whom he may divide by the dexterous use of patronage, may weary out by inflexible patience, may overawe by winning the admiration of the masses, always disposed to rally round a striking personality.

His Administration, speaking now of his service of seven and a half years, was fruitful of legislation by a Republican House and a Republican Senate. The following were among the principal acts passed: The Elkins Anti-Rebate Law applying to railroads; the creation of the Department of Commerce and Labor and the Bureau of Corporations; the law authorizing the building of the Panama Canal; the Hepburn Bill amending and vitalizing the Interstate Commerce Act; the Pure-Food and Meat Inspection laws; the law creating the Bureau of

Immigration; the Employer's Liability and Safety Appliance laws, that limited the working hours of employees; the law making the Government liable for injuries to its employees; the law forbidding child labor in the District of Columbia; the reformation of the Consular Service; prohibition of campaign contributions from corporations; the Emergency Currency Law, which also provided for the creation of the Monetary Commission. This was a part of the legislative accomplishment of these years, stimulated by the aggressiveness of the Executive. It will be observed that most of these acts are to insure justice of treatment between man and man, to protect the weak, to curb the strong.

The passage of the Hepburn Bill, amending the Interstate Commerce Act, was attended by more or less friction. The President at first favored giving to the Interstate Commerce Commission the power to make railroad rates independent of review by the courts. This was resisted by Congress, and finally the bill passed, embodying the three principles laid down in the President's message of December, 1905: Power in some administrative body to decide

whether a railway rate complained of is reasonable and just; and, if not, to prescribe a maximum rate, the decision to go into effect within a reasonable time; and subject to review by the courts.

The Pure-Food Law was the result of the revolting conditions shown in the Chicago stockyards in a report made by James B. Reynolds and Labor Commissioner Charles P. Neill, which the President sent to Congress with a special message. Considerable friction developed between the President and the chairman of the Committee on Agriculture before this bill became a law.

It has been said, and is no doubt true, that in the openness and the directness of his dealing with Congress, Roosevelt surpassed all of his predecessors, and that no President ever equaled him in the amount of legislation he asked of Congress.

Entirely characteristic of Roosevelt's methods was his action in the case of the Tennessee Coal and Iron Company. The Senate passed a resolution calling on the Attorney-General to state to the Senate why he had not prosecuted the Steel Trust, under the Anti-Trust Law, for the

purchase of the Tennessee Coal Company in the fall of 1907. The President instructed the Attorney-General not to answer the question, and then answered the question himself. He said that Mr. Gary and Mr. Frick called on him in November, 1907, in regard to the matter, and asked if the acquisition of the Tennessee Coal Company would be regarded by the President as a violation of the law. "They asserted that they did not wish to do this if I stated that it ought not to be done. I answered that, while, of course, I could not advise them to take the action proposed, I felt it no public duty of mine to interpose any objection." It appears that the President was subsequently advised in writing by the Attorney-General that there was no legal ground for proceedings against the Steel Corporation, and the purchase of the Tennessee Coal Company would constitute no ground for such prosecution.

Roosevelt's action was abundantly vindicated in the opinion of the Court in the case of the United States *vs.* United States Steel Corporation, decided June 3, 1915, in the United States District Court for the District of New Jersey, in which, referring to the pur-

chase by the Steel Corporation of the Tennessee Coal and Iron Company, the court said: —

We shall next consider the purchase by the Steel Company of the Tennessee Coal and Iron Company, which was made in November, 1907. On the one hand, it is alleged the Tennessee Company was a competitor of great power and that its purchase was for the purpose of suppressing competition and effecting monopoly and restraint of trade. On the other hand, it is contended that the competition of the Tennessee Company was of relatively small extent, that its purchase was practically forced upon the Steel Company as a means of averting a threatening financial crisis during the panic of 1907, and that such purchase neither did nor tended to monopolize or restrain the steel and iron industry of the United States. . . .

[We] have arrived at the following conclusions: —

At the time the Steel Company bought the Tennessee Company, the latter's production of iron and steel was 1.7 per cent of the production of the country; that up to that time the Tennessee Company had not been a business success; that it was making rails, which was its principal steel product, at a loss; that its ultimate success was problematic; that such success involved an outlay of upward of $25,000,000 to put it upon a dividend basis; that it had never really earned any dividends up to the time of its sale; that the whole testimony shows its relation as a successful, substantial competitor with the Steel Company in the volume of its business, the character of its product, and the breadth of its market was neg-

ligible. We are warranted by this testimony and find the fact to be that its purchase by the Steel Company in no way tended to monopolize the steel and iron trade, and that it was not bought with the purpose or intent of monopolizing, or attempting to monopolize, or restrain that trade. Such negative conclusions and findings are confirmed by the affirmative proofs showing just how the purchase was made, namely, as a necessary part of comprehensive plans of bankers and business men, sanctioned by President Roosevelt, to check the panic of 1907, which was then at its height. Without entering into details, we may say the situation was summed up in the letter of President Roosevelt to Attorney-General Bonaparte, as follows: —

"November 4, 1907.

"My Dear Mr. Attorney-General: —

"Judge E. H. Gary and Mr. H. C. Frick on behalf of the Steel Corporation have just called upon me. They state that there is a certain business firm (the name of which I have not been told, but which is of real importance in New York business circles), which will undoubtedly fail this week if help is not given. Among its assets are a majority of the securities of the Tennessee Coal Company. Application has been urgently made to the Steel Corporation to purchase this stock as the only means of avoiding a failure. Judge Gary and Mr. Frick inform me that as a mere business transaction they do not care to purchase the stock; that under ordinary circumstances they would not consider purchasing the stock, because but little benefit will come to the Steel Corporation from the purchase; that they are aware that the purchase will

be used as a handle for attack upon them on the ground that they are striving to secure a monopoly of the business and prevent competition, not that this would represent what could honestly be said, but what might recklessly and untruthfully be said. They further inform me that, as a matter of fact, the policy of the company has been to decline to acquire more than sixty per cent of the steel properties, and that this purpose has been persevered in for several years past, with the object of preventing these accusations, and, as a matter of fact, their proportion of steel properties has slightly decreased so that it is below this sixty per cent, and the acquisition of the property in question will not raise it above sixty per cent. But they feel that it is immensely to their interest, as to the interest of every responsible business man, to try to prevent a panic and general industrial smash-up at this time, and that they are willing to go into this transaction, which they would not otherwise go into, because it seems the opinion of those best fitted to express judgment in New York that it will be an important factor in preventing a break that might be ruinous, and that this has been urged upon them by the combination of the most responsible bankers in New York who are now thus engaged in endeavoring to save the situation. But they asserted they did not wish to do this if I stated that it ought not to be done. I answered that while, of course, I could not advise them to take the action proposed, I felt it no public duty of mine to interpose any objection.

"Sincerely, yours,

"THEODORE ROOSEVELT."

When called by the Government as a witness, President Roosevelt testified as to this letter as follows: —

"I was dealing with a panic and a situation where not merely twenty-four hours, but one hour might cause widespread disaster to the public. . . .

"I ought to say that from New York I had been told by banker after banker that the Tennessee Coal and Iron securities were valueless as securities that counted in that panic. . . .

"There were two matters to which my attention was especially directed. One was the condition of things in New York, the relief that the action would bring, not merely to New York, but throughout the entire country — just as much in Louisiana and Minnesota and California as in New York. That was one thing. The other thing to which my attention was particularly directed was the percentage of holdings the Steel Corporation had, and had had and would have after the Tennessee Coal and Iron properties were acquired. . . .

"The knowledge that I had was that the Steel Corporation had some years previously possessed nearly sixty per cent of the holdings of the steel industry in the country; that its percentage had shrunk steadily; that the addition of the Tennessee Coal and Iron Company, which was something in the nature of four per cent, — somewhere between two and four per cent, I have forgotten the exact amount, somewhere around there, — did not bring up the percentage of holdings of the Steel Corporation to what it had been a few years previously. . . .

"My knowledge was simply this, that it was a

matter of general opinion among experts that the Tennessee Coal and Iron people had a property which was almost worthless in their hands, nearly worthless to them, nearly worthless to the communities in which it was situated, and entirely worthless to any financial institution that had the securities the minute that any panic came, and that the only way to give value to it was to put it in the hands of people whose possession of it would be a guaranty that there was value to it. . . .

"I believed at the time that the facts in the case were as represented to me on behalf of the Steel Corporation, and my further knowledge has convinced me that this was true. I believed at the time that the representatives of the Steel Corporation told me the truth as to the change that would be worked in the percentage of the business which the proposed acquisition would give the Steel Corporation; and further inquiry has confirmed to me that they did so. I was not misled. The representatives of the Steel Corporation told me the truth as to what the effect of the action at that time would be, and any statement that I was misled, or that the representatives of the Steel Corporation did not thus tell me the truth as to the facts of the case, is itself not in accordance with the truth."

An examination of the testimony shows that the matter was as stated by the President and that the Steel Corporation's chairman absolutely refused to purchase unless the matter was submitted to the government authorities, his testimony in that regard being: —

"While the President of the United States could

not say that we might purchase this, or that we should not purchase this property, yet I believed, inasmuch as he had the general direction of the law department of the United States, certainly we ought to know what would be the attitude of the Administration in case we did buy this property."

The Court goes on to say: —

Indeed, as to this purchase as well as the others which we have discussed above, sales made under different circumstances and for various reasons, we cannot but feel in the light of proofs that they were made in fair business course; and were, to use the language of the Supreme Court in the Standard Oil case, "The honest exertion of one's right to contract for his own benefit, unaccompanied by a wrongful motive to injure others."

Toward the end of his term, the relations between Roosevelt and Congress became somewhat strained. This was due to a variety of causes. The President was, very properly, constantly pressing an elaborate programme of legislation. Congress could never meet his expectations or the expectations of the people, and the legislative body came to feel that its efforts were not properly appreciated and that the Executive held a place in the confidence of the people that properly belonged to Congress. The President prefered pretty direct methods

to the arts of diplomacy. I think that the country rather enjoyed his controversies with Congress, and, as a rule, sided with him.

Senator Lodge, in his admirable address upon "The Constitution and its Makers," in speaking of Congress, said: —

> Yet whatever praise history accords to the Congress of the United States in the past, the Congress of the moment and the members of that body in either branch receive but little commendation from their contemporaries. This is perhaps not unnatural and it certainly has always been customary. . . . The men who fight by land and sea, rouse immediate popular enthusiasm, but a body of men engaged in legislation does not and cannot offer the fascination or the attraction which are inseparable from the individual man who stands forth alone from the crowd in any great work of life, whether of war or peace.

It was early suggested to the President that the most powerful members of his party did not like his ways and that if he asserted his independence he would get no favors from Congress and no renomination by the party; that he had trodden on "many gouty, Senatorial toes." The relations were so "strained" at one time that a resolution was in preparation requiring the President to file a copy of every execu-

tive order with a citation of the law following it, and also for the creation of a committee of distinguished lawyers to report on the President's acts and orders. In spite of all the criticism of Roosevelt by the party managers before 1904, he was reëlected by such a majority as to leave no doubt as to his strength, and went out of office with his great popularity with the people unimpaired.

End of his Term

As the end of Roosevelt's Administration approached, his friends became solicitous as to his future. He was a comparatively young man, little over fifty, possessed of unbounded energy, and by inclination and habit of untiring industry. In what direction could his energies be best directed to secure the greatest results and at the same time not impair his prestige? The first year was provided for by the African trip; but after that, what? Three months before the end of his term, I called at the White House to talk with him about a matter of legislation. It was in the afternoon of December 9, 1908.

After I had finished my business, Roosevelt asked me to stay, and then told me what he

was going to do when he left the White House. He said that he had received a number of offers, one the presidency of a large corporation with a salary of $100,000, but that he was determined to make no commercial use of his name; another the associate editorship of the "Outlook" at $12,000 salary, which he had accepted because that would enable him to reach the people he wanted to reach. As I was leaving, I said, "Mr. President, I want to say one thing to you. Never, under any circumstances, become a candidate for any political office — unless, perchance, you should sometime be called back here — because, if you do, your prestige will be ruined, and it is the greatest asset the American people possess." As I recall it, the exact expression I used was, "Do not let any friend persuade or any enemy coerce you into becoming a candidate for office." "Do you mean the senatorship?" said he, for he had been considered for Platt's place. "I had not thought of that at present." "I mean any political office," said I.

I remember that at this time a member of Roosevelt's family asked me what I would have him do after he left the Presidency. I replied

that I thought it would be a great misfortune for him to engage in any kind of business or have anything to do with politics. I said that after he returned from his projected African trip, I would have him settle at Sagamore Hill, and, for his serious occupation, write the history of his Administration. Parts of it could be published during his lifetime, and it could be published as an entirety after his death. For his bread-winning occupation, I would have him write for the magazines, as he had always done. I said that his house would become a Mecca for distinguished men from all over the world, and that, acting in an advisory capacity and with his great prestige, he would continue a very potent force in our national life. I further suggested that perhaps he might deliver four addresses a year at the great universities, — North, South, East, and West, — and thus continue to be a great inspiration for young American manhood. I do not assert that the course I would have had him follow was the best one, or possible for him, but these are the views which I held at the time and which I expressed.

The period covered by Roosevelt's service had been, generally speaking, one of great indus-

trial prosperity, of a singularly honest and efficient administration of the Government, and one in which the conscience of the people — and here was Roosevelt's most conspicuous accomplishment — had been wonderfully quickened. Several years ago I happened to be sitting next President Eliot at a public dinner — Roosevelt was then President. Mr. Eliot said to me that a certain prominent banker had told him that the banking fraternity would not then do things which they would have done two years before — fine testimony to the changed feeling in commercial circles; it was a feeling very different in 1907 from that which prevailed in 1897, and one which has continued to the present time. We grew better in that decade; we were not bad at the beginning, but we were better at the end. For this Roosevelt was largely responsible. His great power was a moral power. As to his popularity, the New York "Times" said, in an editorial, at a little later period: "They who dislike Colonel Roosevelt, or think they do, scarcely count in the census."

The Administration of Theodore Roosevelt ended on March 4, 1909, when his successor, William H. Taft, was inaugurated. It will be

remembered that Washington was swept by a blizzard which seriously interfered with the ceremonies of the day. The usual preparations had been made for the delivery of the inaugural address on the east portico of the Capitol. The snow forbade and at the last moment it was decided that it should be delivered in the Senate Chamber where all of the dignitaries assembled. In accordance with custom, President Roosevelt had driven from the White House to the Capitol with his successor, but contrary to custom he did not return with him. Immediately after President Taft delivered his address, the ex-President left the Chamber and went directly to the railway station. The man, who for seven years had been the most prominent and talked-about person in the world, became a private citizen. There was a hush over the Chamber as he left, and one could almost hear the unexpressed but common thought of that great assemblage, "He has gone."

CHAPTER IV

THE AFRICAN AND EUROPEAN TRIPS

AFTER a few days spent at Oyster Bay, Roosevelt, on March 23, 1909, sailed from New York for Africa in charge of a scientific expedition sent out by the Smithsonian Institution to collect birds, mammals, reptiles, and plants, but especially specimens of big game, for the National Museum at Washington. Speaking of this approaching trip, he said that "nothing will be shot unless for food or for preservation as a specimen, or unless the animal is of a noxious kind. There will be no wanton destruction whatever." And writing at a later time while on the expedition, he wrote: —

> As a matter of fact, every animal I have shot, with the exception of six or eight for food, has been carefully preserved for the National Museum. I can be condemned only if the existence of the National Museum, the American Museum of Natural History, and all similar zoölogical collections are to be condemned.

It is not my purpose to speak in detail of this expedition. I may, perhaps, take the space to

say that the achievements are recorded in a most interesting book called "African Game Trails." The foreword is dated Khartoum, March 15, 1910, and every sentence suggests Roosevelt's love for nature and the open. These are the closing lines: —

> There are no words that can tell the hidden spirit of the wilderness, that can reveal its mystery, its melancholy, and its charm. There is delight in the hardy life of the open, in long rides, rifle in hand, in the thrill of the fight with dangerous game. Apart from this, yet mingled with it, is the strong attraction of the silent places, of the large tropic moons, and the splendor of the new stars; where the wanderer sees the awful glory of sunrise and sunset in the wide waste spaces of the earth, unworn of man, and changed only by the slow change of the ages through time everlasting.

In these lines both the hunter and the poet speak. This book is not only full of interest to the sportsman, but to the naturalist as well. At the end is a list of game shot with the rifle by Roosevelt and his son Kermit, with the following note: —

> Kermit and I kept about a dozen trophies for ourselves, otherwise we shot nothing that was not used either as a museum specimen or for meat — usually for both purposes. We were in hunting grounds practically as good as any that have ever existed;

but we did not kill a tenth, not a hundredth part of what we might have killed had we been willing. The mere size of the bag indicates little as to a man's prowess as a hunter, and almost nothing as to the interest or value of his achievement.

One of the appendices contains a list of animals killed and of the species to which they belong, of great interest and value to the scientist. Another contains an elaborate argument by Roosevelt upon "protective coloration" in which he takes issue with some of the extreme members of the protective coloration school. Another contains the original list of the "Pigskin Library."

Speaking of his books, Roosevelt says: —

> Where possible, I had them bound in pigskin. They were for use, not ornament. I almost always had some volume with me, either in my saddle-pocket or in the cartridge-bag which one of my gun-bearers carried to hold odds and ends. Often my reading would be done while resting under a tree at noon, perhaps beside the carcass of a beast I had killed, or else while waiting for camp to be pitched; and in either case it might be impossible to get water for washing. In consequence the books were stained with blood, sweat, gun-oil, dust, and ashes; ordinary bindings either vanished or became loathsome; whereas pigskin merely grew to look as a well-used saddle looks.

His discussion of these books and of others, his reasons for selecting them, and his comments upon President Eliot's "five-foot library" are full of interest and suggest the fact that Roosevelt had always been a most omnivorous reader. The word is apt, because he was literally a devourer of books. This book of travel alone, with its notes and appendices, might well embody the full measure of accomplishment of a hunter and naturalist, but is merely one among the many of his prodigious activities.

It was just the sort of trip which would attract him, and was full of thrilling incidents, all of which appealed to some craving of his. He ran the whole gamut of experiences common to the hunter and explorer who never spared himself. Some idea of the variety of his activities may be gained from the following programme for a single day: —

Colonel Roosevelt, after an antelope hunt this morning, called upon Mother Paul, the American superior of the convent here, visited the Catholic mission, helped to dedicate a wing recently added to the Church Mission Society's hospital, and took luncheon with Bishop Hanlon. This afternoon he received the King of Uganda, and with him attended a dinner.

The expedition ended on March 14, 1910, when it reached Khartoum, and then began that extraordinary journey through Europe during which Roosevelt delivered a series of addresses which attracted world-wide attention. In some quarters he was criticized for his blunt comments upon political conditions in Egypt which were called "hasty," "impulsive," and "unwise." One thing is certain, they were characteristic, a frank expression of his views. They were, however, neither "hasty" nor "impulsive," because they had been considered with the greatest care, and Roosevelt once told me that he said nothing of political conditions which had not been submitted in advance to those men of the country whose judgment he considered the best.

I cannot better describe the conditions under which these addresses came to be delivered than to quote the foreword in the book containing them:—

My original intention had been to return to the United States direct from Africa, by the same route I took when going out. I altered this intention because of receiving from the Chancellor of Oxford University, Lord Curzon, an invitation to deliver the Romanes Lecture at Oxford. The Romanes

Foundation had always greatly interested me, and I had been much struck by the general character of the annual addresses, so that I was glad to accept. Immediately afterwards, I received and accepted invitations to speak at the Sorbonne in Paris, and at the University of Berlin. In Berlin and at Oxford, my addresses were of a scholastic character, designed especially for the learned bodies which I was addressing, and for men who shared their interests in scientific and historical matters. In Paris, after consulting with the French Ambassador, M. Jusserand, through whom the invitation was tendered, I decided to speak more generally, as the citizen of one republic addressing the citizens of another republic.

When, for these reasons, I had decided to stop in Europe on my way home, it, of course, became necessary that I should speak to the Nobel Prize Committee in Christiania, in acknowledgment of the Committee's award of the peace prize, after the Peace of Portsmouth had closed the war between Japan and Russia.

While in Africa, I became greatly interested in the work of the government officials and soldiers who were there upholding the cause of civilization. These men appealed to me; in the first place, because they reminded me so much of our own officials and soldiers who have reflected such credit on the American name in the Philippines, in Panama, in Cuba, in Porto Rico; and in the next place, because I was really touched by the way in which they turned to me, with the certainty that I understood and believed in their work, and with the eagerly expressed hope that when I got the chance I would tell the people at

home what they were doing and would urge that they be supported in doing it.

In my Egyptian address, my endeavor was to hold up the hands of these men, and at the same time to champion the cause of the missionaries, of the native Christians, and of the advanced and enlightened Mohammedans in Egypt. To do this it was necessary emphatically to discourage the anti-foreign movement, led, as it is, by a band of reckless, foolish, and sometimes murderous agitators. In other words, I spoke with the purpose of doing good to Egypt, and with the hope of deserving well of the Egyptian people of the future, unwilling to pursue the easy line of moral culpability which is implied in saying pleasant things of that noisy portion of the Egyptian people of to-day, who, if they could have their way, would irretrievably and utterly ruin Egypt's future. In the Guildhall Address, I carried out the same idea.

I made a number of other addresses, some of which — those, for instance, at Budapest, Amsterdam, Copenhagen, Stockholm, and the University of Christiania — I would like to present here; but unfortunately they were made without preparation, and were not taken down in shorthand, so that, with the exception of the address made at the dinner in Christiania and the address at the Cambridge Union, these cannot be included.

THEODORE ROOSEVELT.

SAGAMORE HILL,
July 15, 1910.

This leads me to say a few words about Roosevelt as a speaker and a writer.

As I have said he was not in his youth a ready speaker. He was halting and hesitating in his delivery. In the early days no one would have predicted a great future for him as an "orator." In the later years, while he has had none of the arts of the orator, the subject-matter of his addresses has been so interesting and his personality so compelling that he has become a most impressive speaker. He has, as every one knows, been a most voluminous writer, and I was surprised when he said to me about three years ago, in substance: "Do you know I am not a very ready writer. No one knows how much time I put into my articles for the 'Outlook.'" He then pulled a typewritten manuscript from his pocket and said, "Here is an article that I am going over, as I have opportunity, correcting and recasting it," and then he added, "but my work is done three months ahead." Here is one great secret of his ability to accomplish so much: he is always doing to-day the work of to-morrow, of next week, or of next year. During the winter of 1909, Roosevelt was at work on the addresses he was to deliver after his African trip and while in Europe.

I have no space for extended comment on these addresses. They are easily accessible and should be read in their entirety. The first was delivered at the American Mission at Khartoum on March 16, 1910; the second, on "Law and Order in Egypt," before the National University in Cairo, March 28, 1910. This was delivered under rather disturbed conditions because of the recent assassination of Boutros Pasha and in spite of threats against Roosevelt's life. Sir Eldon Gorst advised him not to deliver it, as he could not guarantee his safety. Roosevelt replied that he was not nervous about that, that he would guarantee his own safety. Later there was a mob demonstration in front of Shepheard's Hotel. The third, on "Citizenship in a Republic," was delivered at the Sorbonne in Paris, April 23, 1910. I have always wondered how the following anecdote, told by Roosevelt in this address, affected a Parisian audience: —

> A number of years ago I was engaged in cattle-ranching on the great plains of the western United States. There were no fences. The cattle wandered free, the ownership of each being determined by the brand; the calves were branded with the brand of the cows they followed. If on the round-up an animal

was passed by, the following year it would appear as an unbranded yearling, and was then called a "maverick." By the custom of the country these mavericks were branded with the brand of the man on whose range they were found. One day I was riding the range with a newly hired cowboy, and we came upon a maverick. He roped and threw it; then we built a little fire, took out a cinch-ring, heated it at the fire; and the cowboy started to put on the brand. I said to him, "It is So-and-So's brand," naming the man on whose range we happened to be. He answered: "That's all right, boss; I know my business." In another moment I said to him, "Hold on, you are putting on my brand!" To which he answered, "That's all right; I always put on the boss's brand." I answered, "Oh, very well. Now, you go straight back to the ranch and get what is owing you; I don't need you any longer." He jumped up and said: "Why, what's the matter? I was putting on your brand." And I answered: "Yes, my friend, and if you will steal *for* me you will steal *from me*."

Now, the same principle which applies in private life applies also in public life. If a public man tries to get your vote by saying that he will do something wrong *in* your interest, you can be absolutely certain that if ever it becomes worth while he will do something wrong *against* your interest.

Fifty-nine thousand copies of this address were printed and a copy given to each schoolmaster in France. The speech had a real effect

in diminishing the bitterness of the clerical controversy.

The fourth was an address delivered before the Nobel Prize Committee at Christiania, Norway, May 5, 1910, in which he said in opening: —

It is with peculiar pleasure that I stand here to-day to express the deep appreciation I feel of the high honor conferred upon me by the presentation of the Nobel Peace Prize. The gold medal which formed part of the prize I shall always keep, and I shall hand it on to my children as a precious heirloom. The sum of money provided as part of the prize by the wise generosity of the illustrious founder of this world-famous prize system, I did not, under the peculiar circumstances of the case, feel at liberty to keep. I think it eminently just and proper that in most cases the recipient of the prize should keep for his own use the prize in its entirety. But in this case, while I did not act officially as President of the United States, it was nevertheless only because I was President that I was enabled to act at all; and I felt that the money must be considered as having been given me in trust for the United States. I therefore used it as a nucleus for a foundation to forward the cause of industrial peace, as being well within the general purpose of your Committee; for in our complex industrial civilization of to-day the peace of righteousness and justice, the only kind of peace worth having, is at least as necessary in the industrial world as it is among nations. There is at least as much need to curb the cruel greed and arrogance of part of the world of

capital, to curb the cruel greed and violence of part of the world of labor, as to check the cruel and unhealthy militarism in international relationships.

The fifth, "The Colonial Policy of the United States," was given at Christiania, Norway, on the evening of May 5, 1910.

The sixth, "The World Movement," was delivered at the University of Berlin, May 12, 1910.

On the day preceding the lecture in Berlin, Roosevelt was present, by the Emperor's invitation, to review twelve thousand picked German troops. The Emperor said: "My friend Roosevelt, I am glad to welcome you, the most distinguished American citizen. You are the first civilian who has ever reviewed German troops."

The seventh, "The Condition of Success," was delivered at the Cambridge Union, May 26, 1910, from which I make one quotation to support what I say elsewhere: —

> . . . I never was an athlete, although I have always led an outdoor life, and have accomplished something in it, simply because my theory is that almost any man can do a great deal, if he will, by getting the utmost possible service out of the qualities that he actually possesses.
>
> . . . . . .

. . . The average man who is successful — the average statesman, the average public servant, the average soldier, who wins what we call great success — is not a genius. He is a man who has merely the ordinary qualities that he shares with his fellows, but who has developed those ordinary qualities to a more than ordinary degree.

The eighth, "British Rule in Africa," was given at the Guildhall in London, May 31, 1910. Sir Edward Grey stated in Parliament that this address was shown to him before it was delivered, was approved by him, and was made by his desire. It has been said that as a result of this speech, Kitchener was sent to Egypt.

The ninth, "Biological Analogies in History," at Oxford, June 7, 1910, was perhaps the most scholarly of all the addresses. It was the Romanes Lecture, and before it was delivered Roosevelt had conferred upon him the highest honorary degree Oxford could give. In this address he states some interesting conclusions he had reached as a student of biology and history, and draws, as he says, —

certain analogies between what has occurred to forms of animal life through the procession of the ages on this planet, and what has occurred and is occurring to the great artificial civilizations which have gradu-

ally spread over the world's surface, during the thousands of years that have elapsed since cities of temples and palaces first rose beside the Nile and the Euphrates, and the harbors of Minoan Crete bristled with the masts of the Ægean craft.

The formal proceedings were in Latin, of which the following is a translation, as it is given in the appendix to "African and European Addresses" by Theodore Roosevelt: —

CONVOCATION

June 7, 1910

Followed by the Delivery of

THE ROMANES LECTURE

by

THE HONBLE THEODORE ROOSEVELT
Hon. D.C.L

The Right Honorable
LORD CURZON OF KEDLESTON
Chancellor
PRESIDING

Convocation and the Romanes Lecture

(Translation of the Latin)

The Chancellor:

The object of this Convocation is, that if it be your pleasure, Gentlemen of the University, the Honorary Degree of Doctor of Civil Law may be conferred on

the Honorable Theodore Roosevelt, ex-President of the United States of America, that the long-expected Romanes Lecture may be delivered by him, when he has been made the youngest Doctor in the University, and that any other business should be transacted which may belong to this Venerable House.

Is it the pleasure, then, of this Venerable House that the Honorary Degree of Doctor of Civil Law should be conferred upon the Honorable Theodore Roosevelt? Is it your pleasure, Reverend Doctors? Is it your pleasure, Masters of the University?

Go, Bedels, and bring in the Honorable gentleman!

The Chancellor to the Vice-Chancellor:

Behold, Vice-Chancellor, the promised wight,
Before whose coming comets turned to flight,
And all the startled mouths of sevenfold Nile took fright!

Presentation Speech by Dr. Henry Goudy

It has been my privilege to present in former years many distinguished citizens of the great American Republic for our honorary degree of Doctor of Laws, but none of them have surpassed in merit or obtained such world-wide celebrity as he whom I now present to you. Of ancient Dutch lineage, as his name indicates, but still a genuine American, he has long been an outstanding figure among his fellow citizens. He first became known to us in England during the Spanish-American War, when he commanded a regiment of cavalry and proved himself a most capable military leader. Omnivorous in his quest of knowledge, nothing in human affairs seemed to him superfluous or negligible. In the language of the poet, one

might say of him — "*Non sibi sed toti genitum se credere mundo.*" Twice has he been elevated to the position of President of the Republic, and in performing the duties of that high office has acquired a title to be ranked with his great predecessor Abraham Lincoln — "*Quorum alter servitudinem, alter corruptionem vicit.*" May we not presage that still a third time — most auspicious of numbers — he may be called upon to take the reins of government?

With unrivaled energy and tenacity of purpose he has combined lofty ideals with a sincere devotion to the practical needs not only of his fellow countrymen, but of humanity at large. A sincere friend of peace among nations — who does not know of his successful efforts to terminate the devastating war between Russia and Japan? — he has also firmly held that peace is only a good thing when combined with justice and right. He has ever asserted that a nation can only hope to survive if it be self-respecting and makes itself respected by others.

A noted sportsman and lover of natural history, he has recently, after his arduous labors as Head of the State, been seeking relaxation in distant Africa, where his onslaughts on the wild beasts of the desert have been not less fierce nor less successful than over the many-headed hydra of corruption in his own land.

Now, like another Ulysses, on his homeward way he has come to us for a brief interval, after visiting many cities and discoursing on many themes.

Nor must I omit to remind you that our guest, amid his engrossing duties of State, has not neglected

the Muses. Not less facile with the pen than the tongue, he has written on many topics, and this afternoon it will be our privilege to listen to him discoursing on a lofty theme.

By the Chancellor:

Most strenuous of men, most distinguished of citizens to-day playing a part on the stage of the world, you who have twice administered with purity the first Magistracy of the Great Republic (and may perhaps administer it a third time), peer of the most august Kings, queller of men, destroyer of monsters wherever found, yet the most human of mankind, deeming nothing indifferent to you, not even the blackest of the black; I, by my authority and that of the whole University, admit you to the Degree of Doctor of Civil Law, *honoris causa*.

Go, Bedels, conduct the Honorable Doctor to the Lectern!

[Here follows the Chancellor's welcome, and the Romanes Lecture.

After the Lecture, the Chancellor to the Vice-Chancellor.]

And now, my dear Vice-Chancellor — for it is time — be good enough to dissolve the Convocation!

The Vice-Chancellor:

Exalted Lord Chancellor, at your bidding we dissolve the Convocation.

In reply to the criticisms sometimes made that these addresses contain many commonplace ob-

servations, it may be said that this is true of nine tenths of what is spoken and written. The timeliness and fitness of an observation most often determine its value, and the application of old and homely truths to new situations is often as striking and frequently as effective as if they had never been heard before.

Certainly few will dissent from the precepts contained in these addresses or, if familiar with the local conditions, question their timeliness. The doctrine of charity preached at Khartoum; the danger of exalting literature and a literary education unduly and at the expense of the applied sciences so necessary to the advancement of mankind, pointed out at Cairo, and the unsparing condemnation of lawlessness exemplified in the assassination of Boutros Pasha; condemnation of the cynic and the critic who seek to tear down the well-intended work of others while contributing nothing themselves; giving the preëminent place to honesty in the administration of affairs of business or of politics: surely these are all sentiments that cannot be too often repeated.

The opinion expressed by Roosevelt at Paris that some other agency than force should be

found in the settlement of international disputes must command approval. Nor can one dissent from his proposition that where the claims of peace and justice conflict, there must be resort to arms. In the address before the Nobel Prize Committee at Christiania he took advantage of an opportunity to advocate that the growth of armaments be checked by international agreement. In speaking at Berlin, he seized an excellent opportunity to emphasize the community of interest of all the peoples of the world, the wisdom of utilizing the experience of all countries in the settlement of any great social or economic problem, and the value of everyday virtues as essential to the permanence of the State.

At Cambridge, the proper place that sport should have in our lives is considered, and attention is directed to that fact, which cannot be too often stated, that the best accomplishment is not by the man of genius, but by the man in whom the ordinary gifts are developed to their full capacity. No more important lesson can be taught the young, for it places success within the reach of all who are willing to practice the virtues of industry, patience, and honesty.

Roosevelt had a very modest opinion of some of his speeches. Secretary Hay in his Diary mentions the following conversation with the President on June 5, 1904:—

> [The President] spoke of his own speeches, saying he knew there was not much in them except a certain sincerity and kind of commonplace morality which put him *en rapport* with the people he talked with.

This remark to John Hay no doubt referred to the speeches in which Roosevelt was seeking to get the people to take what he considered the right view of some matters of policy and morality which were vital but commonplace.

It is not true that what Roosevelt said and wrote was at all lacking in originality both of thought and of expression, as much that I have quoted will demonstrate. Other examples may be found in all the books and state papers he has written. A striking one is the ninth chapter of his autobiography which he regards as the best chapter he ever wrote.

The Vatican Incident

One matter to which I wish to refer occurred during Roosevelt's stay in Europe and was the so-called Vatican incident. When in Africa,

in reply to an inquiry from our Ambassador at Rome, he stated that of course he would be glad to be received by the King of Italy and to be presented to the Pope. Our Ambassador, in response to this suggestion, received the following message from the Rector of the American Catholic College: "The Holy Father will be delighted to grant audience to Mr. Roosevelt on April 5th, and hopes nothing will arise to prevent it, such as the much-regretted incident which made the reception of Mr. Fairbanks impossible." Roosevelt replied to our Ambassador as follows: "On the other hand, I in my turn must decline to have any stipulations made or submit to any conditions which in any way limit my freedom of conduct." To this the Vatican replied through our Ambassador: "On the other hand, in view of the circumstances for which neither His Holiness nor Mr. Roosevelt is responsible, an audience could not occur except on the understanding expressed in the former message."

In response to this, Roosevelt sent the following message to our Ambassador: "Proposed presentation is, of course, now impossible." Cardinal Merry del Val said to Mr. O'Loughlin,

"Can you guarantee that Mr. Roosevelt will not visit the Methodists here?" Mr. O'Loughlin said in reply, "I cannot. Indeed, I believe that Mr. Roosevelt is just the man to go there. He will do as he pleases."

Roosevelt subsequently issued the following statement: —

> I had made no arrangements to speak at any church or clerical organization in Rome. I have received a number of gentlemen of all religious faiths who have called at my rooms or at the American Embassy. Under the circumstances, I have requested the American Ambassador not to hold the reception which he had intended to hold.

Roosevelt met the issue squarely, and in doing so ran great risk of offending both the Catholics and Methodists in this country instead of winning the approval of either, a risk no "politician" would have run, particularly one looking for political preferment.

Roosevelt had been advised and urged not to go to Rome and thus to avoid trouble. He said that he would not invite trouble, but would not go a hand's breadth out of his way to avoid trouble when he knew that he was in the right.

His journey through Europe had been a royal progress and he had been received on every hand

with great acclaim as the champion of the doctrine of equality of opportunity for all men, irrespective of race, creed, or color. He reached New York on Saturday, June 18, 1910, and received a wonderful welcome. Measuring by human standards, I suppose that he reached on that day the zenith of his fame. At the dinner given for him at that time, he said to a friend: "I am like Peary at the North Pole; there is no way for me to travel except South."

A member of his family has told me that on the afternoon of the dinner some one saw Roosevelt coming out of Scribner's bookstore. Instantly a great, cheering crowd gathered, all struggling to get at him and shake his hand. Speaking of this incident he said, "It is a kind of hysteria. They will soon be throwing rotten eggs at me."

Roosevelt and His Candidacy for the Republican Nomination in 1912

Properly to understand the situation from my point of view, we must go back to the election of 1904, of which Roosevelt said in his address before the Cambridge (England) Union, in 1910:—

During my first term of office as President of the United States, I said: "Now, I do not wish there to be any misunderstanding. I like my job, and I want to keep it for four years longer." [Loud laughter and applause.] I don't think any President ever enjoyed himself more than I did. Moreover, I don't think any ex-President ever enjoyed himself more. I have enjoyed my life and my work because I thoroughly believe that success — the real success — does not depend upon the position you hold, but upon how you carry yourself in that position.

There is no doubt in the mind of any one, I think, that the President did like his job and wanted to be elected in 1904, as he was by a majority staggering in its size. There is no doubt whatever that he liked the job equally well when he finished his term in 1909, and I have never heard any doubt expressed that he could have received the nomination in 1908, for a second "elective term," as some liked to express it, had he desired it or even said that he would accept it. He was not weary of the office in 1908, nor was he unduly oppressed and weighed down, as many men have been, by its responsibilities. If he ever had an overpowering ambition to continue to be President, he must have had it then; and had he possessed the lust for power that has been credited to him by some

of his critics, it would have led him then to accept a nomination which his party was ready to thrust upon him. What a personal triumph it would have been from the point of view of the ambitious man to hold the office for practically three consecutive terms, something that no President had ever done, and yet Roosevelt turned away from it. On the night of the election in 1904, when his election was assured, he said: —

> The wise custom which limits the President to two terms regards the substance and not the form, and under no circumstances will I be a candidate for or accept another nomination.

And he repeated the statement in December, 1907, and devoted himself, with all his energy, to aiding in the nomination of Mr. Taft. Not only that, but every precaution was taken to prevent the stampeding to Roosevelt of the 1908 Convention, of which there was always danger. His trusted personal and political friend, Senator Henry Cabot Lodge, was chairman of the convention, occupying that position for two purposes — to make impossible the nomination of Roosevelt, to make certain the nomination of Taft. In his speech Senator Lodge said: —

That man is no friend of Theodore Roosevelt and does not cherish his name and fame who, now, from any motive, seeks to urge him as a candidate for the great office which he has finally declined. The President has refused what his countrymen would have gladly given him. He says what he means and means what he says, and his party and his country will respect his wishes, as they honor his high character and his great public services.

There is no evidence of which I ever heard that Roosevelt on his European trip gave a thought to the nomination in 1912. Upon his return in May, 1910, at a public dinner given for him in New York, he said: —

I am ready and eager to do my part, so far as I am able, in helping solve problems which must be solved if we, in this the greatest democratic republic upon which the sun has ever shone, are to see its destinies rise to the high level of our hopes and its opportunities.

I think the suggestion here that he was "ready and eager to do his part" gave some anxiety to his friends, who were more jealous than he of his great fame. This anxiety was increased two months later when at Harvard Commencement, as President of the Alumni Association, Roosevelt, at the request of Governor Hughes, of New York, sent the following

telegram to Mr. Griscom, Chairman of the Republican State Committee: —

During the last week, great numbers of Republicans and independent voters from all over the State [New York] having written me urging the passage of Direct Primary legislation. I have seen Governor Hughes and have learned your views from your representative. It seems to me that the Cobb Bill, with the amendments proposed by you, meets the needs of the situation. I believe that the people demand it. I most earnestly hope that it will be enacted into law.

Roosevelt was again in politics, to the regret, I think, of many of his friends, and to his own surprise, I firmly believe. This was his explanation of it at the time. In introducing Governor Hughes at the Alumni luncheon, Roosevelt said: —

Our Governor has a very persuasive way with him. I had intended to keep absolutely clear from any kind of public or political question after coming home, and I could carry out my resolution all right until I met the Governor this morning, and he then explained to me that I had come back to live in New York now; that I had to help him out, and after a very brief conversation, I put up my hands and agreed to help him.

In October of that year, Roosevelt was Chairman of the New York Republican State

Convention, defeating James S. Sherman, then Vice-President of the United States. Mr. Stimson was nominated for governor as a Roosevelt candidate and was defeated by 100,000 votes. In commenting on the election, Roosevelt said at a later period, when he had become a candidate for the Republican nomination for President: —

> In that contest, as in this, I was exceedingly reluctant to be drawn into the contest. In that contest, as in this, I acted only from a sense of duty to the people as a whole, and in that contest I was assailed with precisely the same arguments by the great majority of those who are now assailing me. If I had considered only my own personal interests and personal preferences, I would, of course, have kept out of the 1910 campaign, have let the machine remain in control at Saratoga, and have seen the State go Democratic by 300,000 majority, as under those circumstances it certainly would have gone. I went in because I conscientiously felt that it was my duty to take my part in the fight for honest government, for genuine self-government by the people, without regard to the consequences to myself, and I am in this fight on precisely the same basis and for precisely the same reasons.

As the Convention of 1912 drew near, there was much speculation as to whether Roosevelt would be a candidate or not. Many people

regarded his statement which I have quoted as a bar to his doing so. It was obviously open to the construction that he would never under any circumstances at any time be a candidate. As to what it was intended to express, Mr. Loeb, who was Roosevelt's secretary at the time, has told me that when the statement was drafted, it was suggested that it be limited in express terms to the election of 1908, but that that was disapproved for the reason that a declaration that Roosevelt would not run in 1908 would be accepted as tantamount to a statement that he would run in 1912, which Roosevelt then had no intention of doing, nor had he any intention of saying anything that would not leave him free after 1908. A reporter present asked Roosevelt if this applied to 1912. He replied: —

> Now, gentlemen, that is something I don't intend to speak about. You accept my statement just as I have made it.

A prominent newspaper man recently said to me: —

> At that time none of the correspondents dreamed of interpreting his refusal to be a candidate as applying to any other year than 1908. It was made to set at rest the rumors that he would try to succeed himself at the end of the term to which he had just been

elected, and none of us interpreted it in any other way. Not until he began to be talked of as a candidate in 1912 did anybody try to make it appear that his 1904 statement was intended to cover all the rest of his life so as to bar him from running forever.

I regard the episode as unfortunate, but as in no way reflecting upon Roosevelt's good faith.

I had a long talk with Roosevelt in November, 1911. I spoke to him of the convention and of his possible candidacy. He said, in substance, that he did not want to be a candidate — that he did not want the office again, and that he believed that it would be a great risk for him to take it, and that he had no idea that conditions would arise that would make it necessary. If, however, such conditions should arise and it should become in his opinion a duty, he would not decline to be drafted. As late as December, 1911, he wrote to influential men of the party in Washington urging them to do everything they could to stop any mention of his name in connection with the office. I talked with him again in January, 1912, and again he said he did not want the nomination, he doubted if any Republican could be elected, and that he personally had everything to lose and nothing

to gain if he should enter the contest, but again he said that if there should be an uprising of the people, which he did not anticipate, he might consider it. When I asked him why he did not say that under no circumstances would he accept the office if it were tendered him, — and be it remembered that I was in favor of Mr. Taft's nomination, — he said, in substance, "I had to eat my words once in connection with the Vice-Presidency, and I don't want to run any chance of having to do it again."

During all this time the supporters of all the candidates had been hard at work to secure delegates, but nothing was done by Roosevelt, nor did he want anything done. He stated over and over again that he did not want anything done and wanted nothing left undone that would prevent anything being done.

Meantime, as he has told me, Republican governors of several States were writing him and seeing him, urging that he be a candidate. He told them that he was not convinced that there was any popular demand for his candidacy. Gradually, however, through all kinds of interviews, through all kinds of articles in the papers, through all kinds of letters and other

communications, he became convinced, by a sort of cumulative process, that two thirds of the rank and file of the Republican party wished him to run; and further, that unless he made the fight for the principles in which he believed with all his heart and soul, there would be no fight at all made for them. He was in this state of mind when, on February 10, 1912, at a meeting in Chicago, the Republican governors of seven States, West Virginia, Nebraska, New Hampshire, Wyoming, Michigan, Kansas, and Missouri, asked Roosevelt in the following letter to become a candidate for the Presidency: —

We, the undersigned Republican governors, assembled for the purpose of considering what will best insure the continuation of the Republican party as a useful agency of good government, declare it our belief, after a careful investigation of the facts, that a large majority of the Republican voters of the country favor your nomination, and a large majority of the people favor your election, as the next President of the United States.

We believe that your candidacy will insure success in the next campaign. We believe that you represent, as no other man represents, those principles and policies upon which we must appeal for a majority of the votes of the American people, and which, in our opinion, are necessary for the happiness and prosperity of the country.

We believe that, in view of this public demand, you should soon declare whether, if the nomination for the Presidency come to you unsolicited and unsought, you will accept it.

In submitting this request we are not considering your personal interests. We do not regard it as proper to consider either the interests or the preference of any man as regards the nomination for the Presidency. We are expressing our sincere belief and best judgment as to what is demanded of you in the interests of the people as a whole. And we feel that you would be unresponsive to a plain public duty if you should decline to accept the nomination, coming as the voluntary expression of the wishes of a majority of the Republican voters of the United States, through the action of their delegates in the next National Convention.

With the knowledge that he would be a candidate, Roosevelt made, on February 21, 1912, his Columbus speech on "A Charter of Democracy," in which, among other things, he advocated the recall of judicial decisions. This speech alienated hundreds of thousands of Republican votes. He did not need to make it to secure the votes of radicals — those were his already. He must have known, as well as any one, what the result would be. And then, when he had left nothing undone and had done everything to make his nomination in a Republican

Convention impossible, he replied, under date of February 24, 1912, to the letter of the seven governors, as follows: —

I deeply appreciate your letter, and I realize to the full the heavy responsibility it puts upon me, expressing as it does the carefully considered convictions of the men elected by popular vote to stand as the heads of government in their several States.

I absolutely agree with you that this matter is not one to be decided with any reference to the personal preferences or interests of any man, but purely from the standpoint of the interests of the people as a whole. I will accept the nomination for President if it is tendered to me, and I will adhere to this decision until the convention has expressed its preference. One of the chief principles for which I have stood and for which I now stand, and which I have always endeavored and always shall endeavor to reduce to action, is the genuine rule of the people; and therefore I hope that so far as possible the people may be given the chance, through direct primaries, to express their preference as to who shall be the nominee of the Republican Presidential Convention.

It is my conviction that Roosevelt entered this campaign without any desire to gratify a personal ambition, but as the leader of a cause in which he believed and without any thought as to how his personal fortunes would be affected. Recently he wrote me: —

You know that 1912 really represented merely the goal of thought for which I had always been heading. From my standpoint it was merely the effort to apply the principles of Abraham Lincoln to the conditions of the twentieth century.

His political creed is contained in the Carnegie Hall Address of March 20, 1912, printed in the Appendix, in which he said toward the close: —

In order to succeed we need leaders of inspired idealism, leaders to whom are granted great visions, who dream greatly and strive to make their dreams come true; who can kindle the people with the fire from their own burning souls. The leader for the time being, whoever he may be, is but an instrument, to be used until broken and then to be cast aside; and if he is worth his salt he will care no more when he is broken than a soldier cares when he is sent where his life is forfeit in order that the victory may be won. In the long fight for righteousness the watchword for all of us is, spend and be spent. It is of little matter whether any one man fails or succeeds; but the cause shall not fail, for it is the cause of mankind.

This expressed his state of mind. Many of his friends would have preferred to have him preserve the great fame that was his, undimmed by any conflict in the political arena that might well lead to reverses. He chose for himself the other course. "In the long fight for righteous-

ness, the watchword for all of us is, spend and be spent. It is of little matter whether any one man fails or succeeds, but the cause shall not fail, for it is the cause of mankind."

Roosevelt and the Recall of Judicial Decisions

There is probably no one doctrine urged by Roosevelt that has aroused so much criticism or alienated so many of his conservative supporters as that of the recall of judicial decisions advocated in his Columbus speech. Whether one agrees with him or not (and I am one of those who do not), his position should be fairly understood and he should not be charged with having advanced this doctrine in any demagogic spirit. That he was absolutely sincere in his opinion, and that it was the result of many years of thought, is not only, I believe, true, but can easily be demonstrated to be so.

I have referred earlier in this narrative to the decision, in 1885, of the Court of Appeals of New York in finding unconstitutional the act of the Legislature declaring unlawful the manufacture in tenement houses of cigars or of tobacco into other forms, and stated that then, nearly thirty years before the Columbus speech,

Roosevelt's wrath was roused against that kind of judicial mind, which, as he said, was blind to changed social conditions and which was disposed so to limit the area of the "police power" as to make it impossible to legislate for the correction of such abuses as the one I have mentioned, namely, the limiting of the number of hours of work in unhealthy occupations, and others of a kindred nature. He gave expression to his views from time to time in his messages to Congress and elsewhere, and was for many years seeking a remedy which finally he thought he had found in the recall of judicial decisions.

Before considering in detail what Roosevelt's views are upon this subject, let us understand just what the police power is, how it has been invoked by legislatures, and how construed by the courts. As an original proposition, one can engage in any lawful undertaking and make any kind of a contract, lawful in its purpose, without interference by either the legislatures or the courts; but as time has gone on and social conditions have changed, certain restrictions have been imposed upon the way in which a man may carry on his business and the kind of contracts he can make, involving the welfare of

others. For example, the slaughter of cattle is a necessary and useful business, but attended necessarily by disagreeable incidents, so that it has been found necessary in thickly settled communities to impose certain conditions under which the business must be carried on. This is an exercise of the police power. Similarly, the right to contract with a woman for her labor is restricted in order that her strength may not be unduly wasted and deterioration of the race follow. This is another exercise of the police power. As the Supreme Court once said: —

> Of course, it is impossible to forecast the character and extent of these changes, but in view of the fact that, from the day Magna Charta was signed to the present moment, amendments to the structure of the law have been made with increasing frequency, it is impossible to suppose that they will not continue, and the law be forced to adapt itself to the new condition of society, and, particularly to new relations between employers and employees, as they arise.

And, on another occasion: —

> It is the thoroughly established doctrine of the court that liberty of contract may be circumscribed in the interest of the State and welfare of the people, and whether a given exercise of such authority transcends the limits of legislative authority must be determined in each case as it arises.

In the tenement-house decision to which I have referred, the court held that a man should be permitted to manufacture cigars in a tenement and that it was not harmful to proper conditions of living or to society. This was a naked question of fact, and Roosevelt's recall of judicial decisions amounts simply to this: that the people who made the Constitution shall in this and kindred cases have an opportunity to say what is and what is not an exercise of the police power necessary to meet existing conditions, and that the final settlement of the question shall not rest with perhaps a bare majority of seven or nine judges.

For example, in his message of December, 1908, he said, speaking of judicial decisions which nullify legislative attempts to protect wage-workers: —

> The talk about preserving, to the misery-hunted beings who make contracts for such service, their "liberty" to make them, is either to speak in a spirit of heartless irony or else to show an utter lack of knowledge of the conditions of life among the great mass of fellow countrymen, a lack which unfits a judge to do good service just as it would unfit any executive or legislative officer.

Speaking of the decision of the New York

Court of Appeals declaring unconstitutional the New York law to provide for Workmen's Compensation on the ground that the proposed law is in conflict with the Constitution of the United States, he said (May, 1911):—

It is not merely the right but the duty of every friend of genuine justice and progress to protest against the decision in question. When the Supreme Court of Connecticut rendered a decision akin to that rendered by the Court of Appeals on the same subject, this decision was circulated by the great railway corporations very widely before the legislatures and courts in other States in order to prevent or nullify legislation designed to secure compensation to workingmen. Exactly similar action is now being taken in connection with this decision of the New York Court of Appeals. . . . The Court of Appeals in this decision fully admits the iniquity and injustice wrought by the principles which it proceeds to uphold. Its contention is that the hands of the legislatures, the hands of the people, are tied by the Constitution of the United States, and that we cannot get justice for workingmen or secure them against the most cruel wrong because the Federal Constitution and the State Constitution of New York, in the narrowest and most technical spirit, guarantee all persons against deprivation of liberty or property without due process of law. . . . The people must have the right ultimately to determine for themselves what great lines of government policy are to be followed by the State; they have never surrendered

this ultimate right to the judges or any one else, and it is our duty to see that it is not kept merely as a nominal and unreal right, a sham right, but that machinery shall be devised to make it a real, working right, which can be invoked and put into effect, but without too much difficulty.

And in his Osawatomie speech of September, 1910, he includes the following among the aims of the New Nationalism: —

It demands of the judiciary that it shall be interested primarily in human welfare rather than in property, just as it demands that the representative body shall represent all the people rather than one class or section of the people.

In his speech before the Colorado Legislature, in August, 1910, he justified his criticisms of the courts by referring to Lincoln's comment on the Dred Scott case, and to Judge Harlan's comments on the majority opinion in the Knight case. Had his speech been made a year later, he might well have referred to Judge Harlan's criticism of the majority opinion of the Supreme Court in the Standard Oil Company and American Tobacco Company cases. In the case of the Standard Oil Company, decided May 15, 1911, the learned justice said, speaking of the majority opinion: —

After many years of public service at the National Capital and after a somewhat close observation of the conduct of public affairs, I am impelled to say that there is abroad in our land a most harmful tendency to bring about the amending of constitutions and legislative enactments by means alone of judicial construction. . . . To overreach the action of Congress merely by judicial construction — that is, by indirection — is a blow at the integrity of our governmental system, and in the end will prove most dangerous to all.

And again, in the case of the American Tobacco Company, decided two weeks later: —

In short, the court now, by judicial legislation, in effect amends an act of Congress relating to a subject over which that department of the Government has exclusive cognizance.

An early example of the criticism of the courts is found in a letter from Thomas Jefferson to a Mr. Jarvis, dated Monticello, September 28, 1820, from which the following is an extract: —

You seem to consider the judges as the ultimate arbiters of all constitutional questions; a very dangerous doctrine, indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men and no more so. They have, with others, the same passions for party, for power, and the privilege of their corps. Their maxim

is "*boni judicis est ampliare jurisdictionem*," and their power the more dangerous as they are in office for life, and not responsible, as the other functionaries are, to the elective control. . . . I know no safe depositary of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education.

A case illustrating how judges may differ is that of Coppage *vs.* Kansas, decided by the Supreme Court of the United States, January 25, 1915. It was this: There was a statute of the State of Kansas forbidding employers to exact from employees, as a condition of securing or retaining employment, a promise not to join or retain membership in a labor organization. The local court found a defendant guilty of this offense and the judgment was affirmed by the Supreme Court of Kansas. The case was appealed to the Supreme Court of the United States on the ground that the statute as construed was in conflict with that provision of the Fourteenth Amendment of the Constitution of the United States which declares that no State shall deprive any person of liberty or property without due process of law. The majority of

the court held that if freedom to contract is to be preserved, the employer must be left at liberty to decide for himself whether such membership by his employee is consistent with the satisfactory performance of the duties of the employment. The minority of the court agreed with the Kansas court, which took the view that employees are not financially able to be as independent in making contracts for selling their labor as employers in buying it, and that the statute did not go beyond the legitimate exercise of the police power. Here are opposing views of the same statute, the majority view being held by six members of the court and the minority view by three. Who shall say which is right? Upon this question of fact, the minority view certainly shows the trend of thought at the present time when we recognize that associations of employees are necessary to place them on an equality with their employers in bargaining for the sale of service. It is on this class of cases in the lower courts that the recall of judicial decisions would operate.

Evidence of a recent change of attitude toward laws involving an exercise of the police power is found in the subject-matter of three

cases much criticized by Roosevelt. In Sarah Knisley *vs.* Pratt, 148 N.Y. 372, decided in February, 1896, the court held that a woman employee who had assumed the risk of operating a dangerous machine, not safeguarded as the law required, could not recover for the loss of an arm. This case was overruled in Fitzwater *vs.* Warren, 206 N.Y. 355, decided in October, 1912. The court held in this case that a servant does not assume the risk caused by a master's violation of the law.

In People *vs.* Williams, 189 N.Y. 131, decided in June, 1907, the court held unconstitutional a provision in the Labor Law of New York which prohibited the employment of an adult female in a factory before six o'clock in the morning or after nine o'clock in the evening. The reason given was that it

> violates the constitutional provisions guaranteeing to every citizen the right to pursue any lawful employment in a lawful manner, and is discriminative against female citizens in denying to them equal rights with men with respect to liberty of person, or of contract. It cannot be upheld as a proper exercise of the police power, having for its purpose the preservation of the health of female citizens, since it arbitrarily takes away the right of a woman to labor in

a factory during the prohibited hours without any reference to the number of hours of such labor or the healthfulness of the employment.

On March 26, 1915, the Court of Appeals, in People *vs.* Schweinler Press, 214 N.Y. 395, sustained a similar statute providing "that no woman shall work in any factory in the State before six o'clock in the morning or after ten o'clock in the evening," and held that the law entitled "Period of rest at night for women" violated no provision of the Federal or State Constitution.

In Ives *vs.* South Buffalo R.R. Co., 201 N.Y. 271, decided March, 1911, the court held unconstitutional, under both Federal and State Constitutions, a provision relating to "workmen's compensation in certain dangerous employments." Among other things, the court held that

the right given to the employee by this statute does not preserve to the employer the "due process" of law guaranteed by the Constitution, for it authorizes the taking of the employer's property without his consent and without his fault.

The State Constitution was subsequently amended to obviate the difficulty found by the

court. The Federal Constitution remained ununchanged.

In Jenson *vs.* Southern Pacific, 215 N.Y. 514, decided in July, 1915, the court held that the Workmen's Compensation Law

> is not violative of the Fourteenth Amendment of the United States Constitution for taking property without due process of law . . . and is a valid enactment within the police power of the State for the promotion of the general welfare.

I think that the real difference, on this subject, between the position of the conservative of open mind and Roosevelt is not so much the end to be sought as the method to pursue. The conservative, and I am one, thinks it wiser to wait for public opinion, changing as it does with changing conditions, to have its effect upon the judicial mind; or, if necessary, to resort to an amendment of the Constitution, State or National. Roosevelt, impatient to reach the goal, desired some more immediate influence of public opinion upon this class of judicial decisions. That he is lacking in respect for or confidence in our judicial system is not true.

In his special message of January, 1908, he said: —

Most certainly it behooves us all to treat with the utmost respect the high office of judge; and our judges, as a whole, are brave and upright men . . . the judges stand in character and service above all other men among their fellow servants of the public. There is all the greater need that the few who fail in this great office, who fall below this high standard of integrity, of wisdom, of sympathetic understanding and of courage should have their eyes opened to the needs of their countrymen.

Two books had great influence upon Roosevelt in his consideration of this subject which led to the remedy he proposed known as the "Recall of Judicial Decisions." One, called "Moral Overstrain," was written in 1906 by George W. Alger. The chapter which particularly attracted Roosevelt's attention was that on "Some Equivocal Rights of Labor." This states the wrongs to be remedied. The case there related of the Knisley girl who lost her arm in a machine she was operating was the basis of Roosevelt's story, "Sarah Knisley's Arm," printed originally in "Collier's Weekly," in March, 1913.

The other book, which recognized the danger of the misuse of power by the courts, was "Legal Essays," by James Bradley Thayer, LL.D., late

Weld Professor of Law in Harvard University, published in 1908. In the first chapter on "The Origin and Scope of the American Doctrine of Constitutional Law," prepared in 1893, Professor Thayer proposes this question: —

> How did our American doctrine, which allows to the judiciary the power to declare legislative acts unconstitutional, and to treat them as null, come about, and what is the true scope of it?

Later, Professor Thayer says: —

> When at last this power of the judiciary was everywhere established, and added to the other bulwarks of our written constitutions, how was the power to be conceived of?

And he answers the question, "Strictly as a judicial one," and then goes on to say: —

> Again, where the power of the judiciary did have place, its whole scope was this; namely, to determine for the mere purpose of deciding a litigated question properly submitted to the court, whether a particular disputed exercise of power was forbidden by the Constitution. In doing this the court was so to discharge its office as not to deprive another department of any of its proper power, or to limit it in the proper range of its discretion. Not merely, then, do these questions, when presenting themselves in the courts for judicial action, call for a peculiarly large method in the treatment of them, but especially they require an allowance to be made by the judges for the vast

and not definable range of legislative power and choice, for that wide margin of considerations which address themselves only to the practical judgment of a legislative body. Within that margin, as among all these legislative considerations, the constitutional lawmakers must be allowed a free foot. In so far as legislative choice, ranging here unfettered, may select one form of action or another, the judges must not interfere, since their question is a naked judicial one.

Moreover, such is the nature of this particular judicial question that the preliminary determination by the legislature is a fact of very great importance, since the constitutions expressly entrust to the legislature this determination; they cannot act without making it.

And he makes the following quotation from 5 Mass. 524, 533:—

It is true that the legislature, in consequence of their construction of the constitution, cannot make laws repugnant to it. But every department of government, invested with certain constitutional powers, must, in the first instance, but not exclusively, be the judge of its powers, or it could not act. And certainly the construction of the constitution by the legislature ought to have great weight, and not be overruled, unless manifestly erroneous.

Roosevelt was particularly impressed by the following quotation from an opinion by Mr. Chief Justice Tilghman, of Pennsylvania, in 1811:—

For weighty reasons, it has been assumed as a principle in constitutional construction by the Supreme Court of the United States, by this court, and every other court of reputation in the United States, that an act of the legislature is not to be declared void unless the violation of the constitution is so manifest as to leave no room for reasonable doubt.

And also by the following quotation from an opinion by Mr. Justice Charlton, in Georgia, in 1808, upon the manner in which this power should be exercised by the court: —

No nice doubts, no critical exposition of words, no abstract rules of interpretation, suitable in a contest between individuals, ought to be resorted to in deciding on the constitutional operation of a statute. This violation of a constitutional right ought to be as obvious to the comprehension of every one as an axiomatic truth, as that the parts are equal to the whole. I shall endeavor to illustrate this: the first section of the second article of the constitution declares that the executive function shall be vested in the governor. Now, if the legislature were to vest the executive power in a standing committee of the House of Representatives, every mind would at once perceive the unconstitutionality of the statute. The judiciary would be authorized without hesitation to declare the act unconstitutional. But when it remains doubtful whether the legislature have or have not trespassed on the constitution, a conflict ought to be

avoided, because there is a possibility in such a case of the constitution being with the legislature.

And again by the following quotation from an opinion by Chancellor Waties, of South Carolina, in 1812, who said upon this subject: —

> . . . The interference of the judiciary with legislative acts, if frequent or on dubious grounds, might occasion so great a jealousy of this power and so general a prejudice against it as to lead to measures ending in the total overthrow of the independence of the judges, and so of the best preservative of their constitution. The validity of the law ought not, then, to be questioned unless it is so obviously repugnant to the constitution that, when pointed out by the judges, all men of sense and reflection in the community may perceive the repugnancy. By such a cautious exercise of this judicial check, no jealousy of it will be excited, the public confidence in it will be promoted, and its salutary effects be justly and fully appreciated.

I am not contending that Roosevelt was right in his conclusions, with which I did not agree, but am merely reciting the processes through which his mind passed in reaching them, and attempting to make clear the fact that they were the result of long reflection and careful investigation.

CHAPTER V

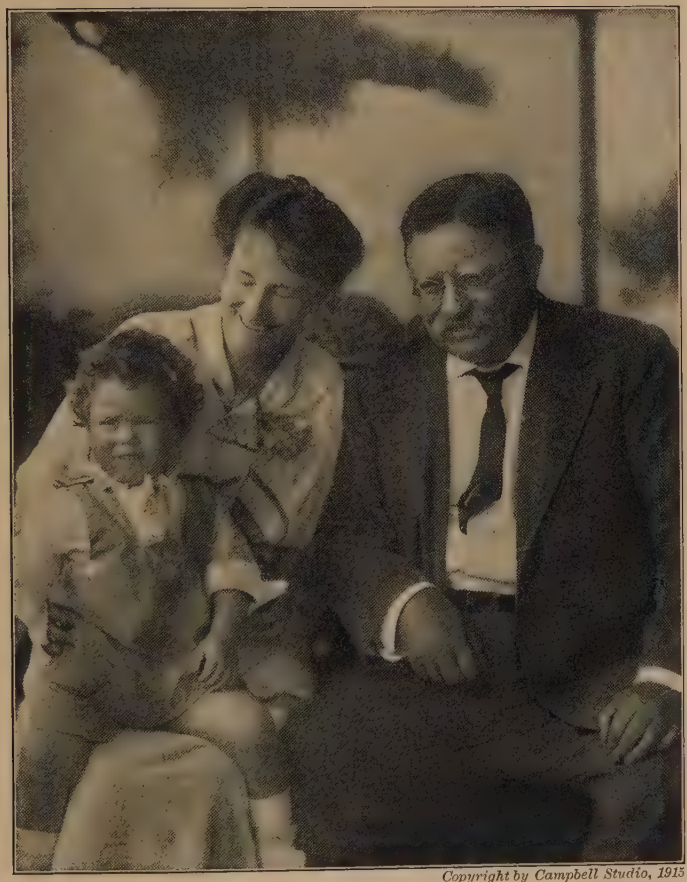
ROOSEVELT'S PERSONAL CHARACTERISTICS — CONCLUSION

IN what I have written, I have sought to lay the foundation for certain conclusions in regard to the character and accomplishments of Theodore Roosevelt, to which I will add the reasons as I see them for his great popularity and extraordinary success in so many distinct fields of human endeavor. In tracing his history, I think I have demonstrated that his political advancement was in no way due to anything he consciously did with that end in view.

He was never an extreme party man. I think that "Harper's Weekly," which I have quoted, stated his position correctly, in 1883, when it said: —

> Mr. Roosevelt holds the soundest views upon public questions with the feeling that the Republican party is the organization which, from its traditional principles and the character of its membership, is more likely wisely to secure the public welfare.

Roosevelt has always regarded a party as a



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MR. AND MRS. ROOSEVELT WITH THEIR GRANDSON
RICHARD DERBY, JR.

means to an end, and when, in his opinion, it ceases to be an instrument for good, he is ready to cast it aside. That is a very different feeling from that to which I have referred of the man to whom "it was little short of treason to vote any other than the Republican ticket."

Roosevelt has always been a radical "democrat." Of course, I use the word in its broader sense and not as the designation of a party. He said so in his Oxford address. He once said to me at Oyster Bay after he had finished his term as President: "I am a democrat and a radical. I like to go to the Lodge here and sit on the benches while my cousin's gardener presides."

Earlier in this sketch I introduced Roosevelt's speech seconding the nomination of Mr. Lynch as temporary chairman of the 1884 National Convention, in which he said: —

> Let each man stand accountable to those whom he represents for his vote. Let no man be able to shelter himself behind the shield of his State. What we say is, that one of the cardinal doctrines of the American political government is the accountability of each man to his people.

Here we find, over thirty years ago, the same idea that later found expression in the direct

primary, the initiative and the referendum, the direct and immediate connection of the people with the thing done, as in the case of the recall of judicial decisions.

He always spoke of himself with extreme modesty. I remember that at the twenty-fifth anniversary of the graduation of our class, while he was President, he said in substance that he was not a great man, that there were very few such, but that he had improved his opportunities. For example, said he: —

> Many other men have had the same experience in the West and could have raised a regiment in the Spanish War as I did, but they did not. I was afraid at first that they would call the regiment "Teddy's Terrors," which would have covered it with ridicule. I did not want any name, but "Rough Riders" was the one that finally stuck.
>
> It was a necessity to get this regiment into action, otherwise it would have been laughed at. We came near being left behind, and I admit that I pulled every wire in sight to get that regiment to Cuba, and we got there. If we had not, I should never have been President.

Speaking of the Panama matter, he said: "I had to act quickly, and I did — and we are now building the canal." Criticism of his action did not create in his mind any doubt as to its

righteousness. Speaking in Denver in 1905, he said:—

It is perhaps unnecessary for me to say that I am perfectly aware that many most admirable gentlemen disagree with me in my action toward the Panama Canal. But I am in a wholly unrepentant frame of mind in reference thereto. The ethical conception upon which I acted was that I did not intend that Uncle Sam should be held up while he was doing a great work for himself and all mankind.

It seems to be agreed that the responsibility for the settlement of the difficulties between Colombia and Panama, which made possible the building of the canal, was assumed by President Roosevelt. John Hay was then Secretary of State. From Mr. Hay's letters I make the following quotations:—

December 8, 1903, he wrote to Mr. James Ford Rhodes:—

It is hard for me to understand how any one can criticize our action in Panama on the grounds upon which it is ordinarily attacked. The matter came on us with amazing celerity. We had to decide on the instant whether we would take possession of the ends of the railroad and keep the traffic clear, or whether we would stand back and let those gentlemen cut each other's throats for an indefinite time, and destroy whatever remnant of our property and our interests we had there. I had no hesitation as to

the proper course to take, and have had no doubt of the propriety of it since.

January 20, 1904, to Professor George P. Fisher, of Yale University:—

Some of our greatest scholars, in their criticisms of public life, suffer from the defect of arguing from pure reason and taking no account of circumstances. While I agree that no circumstances can ever justify a Government in doing wrong, the question as to whether the Government has acted rightly or wrongly can never be justly judged without the circumstances being considered. I am sure that if the President had acted differently when, the 3d of November, he was confronted by a critical situation which might easily have turned to disaster, the attacks which are now made on him would have been ten times more virulent and more effective. He must have done exactly as he did, or the only alternative would have been an indefinite duration of bloodshed and devastation through the whole extent of the Isthmus. It was a time to act and not to theorize, and my judgment at least is clear that he acted rightly.

Roosevelt utilized to the utmost every opportunity; for example, he spent some time on his ranch. This was a very common experience. Many men have done the same thing, but the experience in Roosevelt's case led to the writing of the "Winning of the West" by American pioneer explorers. That was not all: it led to

the writing of several most interesting books on frontier life, and then to the forming of the Rough Riders in the Cuban War which, Roosevelt said, made him President. Of course, I should qualify this; if the Rough Riders had not made Roosevelt President, some other influence would. What made him President was the cumulative force of his achievements brought into a high light through picturesque circumstances made possible by his unique personality.

I do not find any evidence that Roosevelt became a politician after he became President. I think that enough can be found in what I have written to demonstrate my right to this belief. No politician would have invited Booker Washington to the White House to dinner. No politician would at the same time have denounced the abuses tolerated or practiced by organized capital and organized labor. No politician would have discharged the negro regiment at Brownsville, or been so regardless of the amenities in dealing with Congress, an error and a weakness, but not the error of a self-seeking man. We often heard when Roosevelt was filling out McKinley's unexpired term that labor was against him, that capital was against

him, that the politicians were against him; but when in 1904 the votes were counted, it became quite apparent that the people, or most of them, were with him. The fact is they believed in him. Of course, it must be remembered that Roosevelt had a most extraordinary personality. He had, I think, more genuine sympathy with more classes of people than any man ever in public life in this country. I can best illustrate what I mean by two stories, both of which I heard him tell.

It seems that when he was hunting in Colorado several years ago, he met a cowboy who had been with him with the Rough Riders in Cuba.

The man came up to speak to Roosevelt, and said, "Mr. President, I have been in jail a year for killing a gentleman."

"How did you do it?" asked the President, meaning to inquire as to the circumstances.

"Thirty-eight on a forty-five frame," replied the man, thinking that the only interest the President had was that of a comrade who wanted to know with what kind of a tool the trick was done. Now, I will venture to say that to no other President, from Washington down

to and including Wilson, would the man-killer have made that response. This same live sympathy existed between Roosevelt and every class of men with whom he ever came in contact, and he has come in contact with all classes from kings and princes to Digger Indians.

Another old comrade, sure of his sympathy, wrote from a jail in Arizona: —

DEAR COLONEL:

I am in trouble. I shot a lady in the eye, but I did not intend to hit the lady; I was shooting at my wife.

Any one who wants to get some adequate notion of Roosevelt as a naturalist and lover of nature can do so in a most agreeable way by reading "Camping and Tramping," by John Burroughs. This book was written in 1907, and is descriptive of Roosevelt's trip to Yellowstone Park in 1903. The introduction should not be overlooked, because it contains a most characteristic letter from Roosevelt to Burroughs, written in 1892 in response to a suggestion from the latter that the European forms of animal life were, as a rule, larger and more hardy and prolific than the corresponding forms in this country, with which statement Roosevelt takes issue.

I have never been disturbed [Burroughs says] by the President's hunting trips. It is to such men as he that the big game legitimately belongs — men who regard it from the point of view of the naturalist as well as from that of the sportsman, who are interested in its preservation, and who share with the world the delight they experience in the chase. Such a hunter as Roosevelt is as far removed from the game butcher as day is from night; and as for this killing of the "Varmints," — bears, cougars, and bobcats, — the fewer of these there are the better for the useful and beautiful game.

In the trip to the Yellowstone, Burroughs said, "I was able to help him identify only one new bird; all the other birds he recognized as quickly as I did."

The following story illustrates Roosevelt's tender and sympathetic nature: —

Near a little brown school house [Burroughs writes], by the railroad track, the schoolma'am and her scholars were drawn up in line to see the Presidential train pass. The President was at luncheon, but leaving the table rushed to the platform and waved his napkin. When he came back he said: "Those children wanted to see the President of the United States, and I could not disappoint them. They may never have another chance. What a deep impression such things make when we are young."

There was a reception at Medora where Roosevelt's old ranch was located. Shaking one

man by the hand, he said: "You once mended my gunlock for me, — put on a new hammer." "Yes," said the old chap, "I'm the man, Mr. President." "Hell-Roaring Bill Jones" was missing, he began to celebrate so early that he was "all in" before the train arrived.

What other hunter in Africa would have had a "pigskin library" and have given the reason for the presence of every book in it? He was a constant surprise, even to those who knew him best, in some manifestation of his activity. I remember that one of my brothers wrote an article in the "Atlantic" of May, 1908, entitled "Shall We Hunt and Fish — The Confessions of a Sentimentalist." In it he was somewhat critical of Roosevelt's views of hunting as expressed in "Outdoor Pastimes of an American Hunter" in which Roosevelt said, "There is no need to exercise much patience with men who protest against field sports, unless, indeed, they are logical vegetarians of the flabbiest Hindoo type." I knew when the magazine was coming out, and on the day bought a copy on my way home from the Capitol. The next morning, I went to the White House on some errand, and when Roosevelt came out of his office to make

the rounds of those gathered in the Cabinet room, I said, when he got along to me, "Mr. President, here is an article written by a brother of mine in which he throws some stones at you." "Oh!" said Roosevelt, "I have read the article and agree with a good deal of it — but," said he, "you know you must always have fresh meat in camp." He had read it before I had.

He always invited confidence and was most delicate and sympathetic in his response to any expression of sentiment. I remember that once I sent him a letter my mother had written me, referring to a recent message of his, of which the following is a copy: —

Letter from my Mother

February 2, 1908.

I am greatly interested in reading now and then a little about you in the papers. How perplexing everything is, how difficult to know the right course to take. I read with deep interest the President's message. I liked it all. If public credit is to be shaken by exposing a wrong, it ought to be shaken; the men guilty of wrong are the ones who weaken public credit, not the President who exposes them. How corrupt the politicians who would keep up public credit at any cost. The right is the "only thing that will wash" in the long run, so President Eliot seems

to think about the President's policy. There would be no difficulty in dying game in defense of the right, if only we were dead sure what right is. It is a help to feel that our views of right must help along the real right in the grand economy of things. To be sure that you are not swerved in your conscientious decisions by any thought of your own advantage is the great thing, the only thing if you would be a man "without a cross."

Two days later I received the following reply:

THE WHITE HOUSE, WASHINGTON,
February 5, 1908.

I very sincerely appreciate your having shown me your mother's letter, which I return herewith. No wonder you are devoted to her. What she says in her letter represents, I am confident, the principles for which this nation must stand if it is to endure. I am very much pleased at the dear lady's high spirit as well as her conscientiousness. I love that sentence of hers, "There would be no difficulty in dying game, in defense of the right, if only we were dead sure what right is." That is the kind of sentence I like to read.

Letter to my Mother

6 Feb'y, 1908,
1721 RHODE ISLAND AVENUE,
WASHINGTON, D.C.

I liked your letter so much that acting (a somewhat unusual thing for me) a little on impulse, I sent it to the President with the statement that it was

the first time I had ever shown a letter of yours to another.

His note in reply was so sympathetic that I think it will interest you.

I read your letter and the President's to Slater [my son, a boy of twelve]. He said of yours, — "Gee, it sounds like Abraham Lincoln."

. . . . . .

Roosevelt had time to do these things. Sometimes apparently superficial signs indicate the great qualities that lie beneath. I was looking over his autobiography the other day, and the illustrations interested me. They did not so much suggest associations with the great men in this and other lands, as with old companions in the Legislature or members of the police force, with social workers, and children of the slums; and when Roosevelt emerged from the atmosphere of kings and princes in Europe, he sought relief by telegraphing for Seth Bullock and his wife to meet him in London. Seth Bullock was at one time sheriff in the Black Hills district, who, the first time he met Roosevelt, said to him and his companions, "You see, by your looks I thought you were some kind of a tin-horn gambling outfit, and that I might have to keep an eye on you." This man later, as

Roosevelt has said, "became, and has ever since remained, one of my stanchest and most valued friends," and he telegraphed for him because, as he said, "by that time I felt that I just had to meet my own people, who spoke my neighborhood dialect."

This is all real. No veneer of affectation can stand the stress of thirty years of public life. Roosevelt has been a great preacher as well as a great performer, and the combination has made him an immense power for good in our political, business, and social life. The following is typical of much that he said: —

> I wish to preach, not the doctrine of ignoble ease, but the doctrine of the strenuous life, the life of toil and effort, of labor and strife; to preach that highest form of success which comes, not to the man who desires mere easy peace, but to the man who does not shrink from danger, from hardship, or from bitter toil, and who out of these wins the splendid ultimate triumph.
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> . . . . . .
>
> Far better it is to dare mighty things, to win glorious triumphs, even though checkered by failure, than to take rank with those poor spirits who neither enjoy much nor suffer much because they live in the gray twilight that knows not victory or defeat.

Fine expression of his dauntless spirit; and, again: —

On behalf of all our people, on behalf no less of the honest man of means than of the honest man who earns each day's livelihood by that day's sweat of his brow, it is necessary to insist upon honesty in business and politics alike, in all walks of life, in big things and in little things; upon just and fair dealings as between man and man. . . . In the work we of this generation are in there is, thanks to the Almighty, no danger of bloodshed and no use for the sword; but there is grave need of those stern qualities shown alike by the men of the North and the men of the South in the dark days when each valiantly battled for the light as it was given him to see the light. This spirit should be our spirit, as we strive to bring nearer the day when greed and trickery and cunning shall be trampled under foot by those who fight for the righteousness that exalteth a nation.

Sometimes, in almost a whimsical manner, Roosevelt impresses a lesson to be derived from some Biblical quotation. In "Character and Success," for example, published in March, 1900, he said: —

The Bible always inculcates the need of the positive no less than negative virtues, although certain people who profess to teach Christianity are apt to dwell wholly on the negative; we are bidden not merely to be harmless as doves, but also as wise as serpents. It is very much easier to carry out the former part of the order than the latter; while, on the other hand, it is of much more importance for the good of mankind that our goodness should be accom-

panied by wisdom than that we should merely be harmless. If with the serpent wisdom we unite the serpent guile, terrible will be the damage we do; and if with the best of intentions, we can only manage to deserve the epithet of "harmless," it is hardly worth while to have lived in the world at all.

His power of vigorous statement was great. When he was asked to abandon certain investigations as to the alleged violation of the Anti-Trust Law which were said to implicate some wealthy contributors to the campaign fund in the Taft campaign, Roosevelt wrote Attorney-General Bonaparte as follows: —

OYSTER BAY, NEW YORK, 1908.

. . . What a scoundrel —— must be! If he comes to you again I shall be really delighted to have you tell him straight from me that the investigation will be pressed with the utmost energy to a conclusion, and that this will be done whether his clients contribute a million for the election of Taft or a million for the election of Bryan, or whether they fail to contribute a cent to either side. I would really like to have you give him just this message from me, and put it in writing if you desire.

And yet he is a man of the most lovable qualities. A Catholic priest once said he had sat on the platform near Roosevelt at some meeting — "The man had not spoken three minutes

before I loved him, and had any one tried to molest him, I could have torn him to pieces." Nor is there anything of arrogance about him. He never claimed to be preëminent in any field of human endeavor. He never laid claim to anything but doing the best he could; he freely admitted that he made mistakes. A characteristic story is that of a friend who took him to task for some mistake he had made in one of his appointments: "My dear sir," replied the President, "where you know of one mistake I have made, I know of ten."

He talked with a freedom that fairly took one's breath away. I remember once at luncheon at the White House, in speaking of two men, both of whom were then living and one of whom was then in the Senate, he said, "I think that —— is the more adroit rascal."

A story which I heard of Roosevelt nearly at first hand, and which I believe has never been in print, admirably illustrates his great courage or lack of fear. Mr. Henry White told it to Senator Lodge, who told it to me. It seems that Mr. White said to Roosevelt, speaking of his being shot in Milwaukee "I think you were foolhardy to make a speech after you had been

shot." "Why," said Roosevelt in reply, "you know I did n't think I had been mortally wounded. If I had been mortally wounded, I would have bled from the lungs. When I got into the motor I coughed hard three times, and put my hand up to my mouth; as I did not find any blood, I thought that I was not seriously hurt, and went on with my speech."

I began to write these notes in November, 1914, and continued at intervals for several months. As I write on the train on April 30, 1915, between San Francisco and Portland, Oregon, I have just been reading such of the testimony as is reported in the papers in the pending libel suit brought by Mr. Barnes, of New York, against Mr. Roosevelt.[1] I find nothing in Roosevelt's testimony which is not perfectly consistent with his acts and speech for the past twenty years, most of which can be found recorded in his autobiography. When he entered public life, he found certain conditions; he dealt with them as best he could. To have refused to work with men of whose every act he did not approve would have meant that

[1] The jury in May, 1915, brought in a verdict favorable to Roosevelt.

he could accomplish nothing. He always acted upon the adage that "half a loaf is better than no bread." As he wrote in 1904:—

> A man who goes into the actual battles of the political world must prepare himself much as he would for the struggle in any other branch of our life. He must be prepared to meet men of far lower ideals than his own, and to face things, not as he would wish them, but as they are. He must not lose his own high ideal, and yet he must face the fact that the majority of the men with whom he must work have lower ideals. He must stand firmly for what he believes, and yet he must realize that political action, to be effective, must be the joint action of many men, and that he must sacrifice somewhat of his own opinions to those of his associates if he ever hopes to see his desires take practical shape.

Roosevelt has wisely acted upon this principle. In the fallibility of human judgment, he may sometimes have gone too far with this man or that, or perhaps not far enough, but his policy has not changed.

Whatever many of his friends may have wished, Roosevelt made up his own mind in 1912, and in the campaigns that followed inflicted and received many wounds. If he caused suffering, he endured much himself. No one

would feel more keenly than he the loss of the political sympathy and support of those of his old friends who did not follow him, and this is to me convincing proof of his confidence in the righteousness of his cause. To many of them, to me, I am sure, parting company with him was deeply painful. I count it among the sorrows of my life. He was imbued with the spirit of the crusader; he believed that he was leading a great cause, and that in doing so he was serving the best interests of his countrymen. A leader on the field of battle sees nothing but his goal, and in his progress tramples alike on friend and foe. Such was Roosevelt's relation to the conflict. This is the reply to the charge that he wantonly maimed and bruised many of his former associates who differed with him politically.

Roosevelt had the choice, at the end of his presidential term, between resting upon his accomplishments, secure in the position of first citizen of the Republic and idolized by his countrymen, and again entering the arena of political strife to battle for the causes he believed in. He chose the latter course, in which personally he had everything to lose and nothing to gain. "Spend and be spent" was the

motto emblazoned on his shield, which was always found in the forefront of battle. Who will say that he should or could have followed any other course; or, with our poor mortal vision, that in the end his countrymen may not profit by what many of his friends then regarded as his great sacrifice?

"In the long fight for righteousness the watchword for all of us is, 'Spend and be spent.' It is of little matter whether any one man fails or succeeds; but the cause shall not fail, for it is the cause of mankind."

THE END

APPENDIX

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APPENDIX

THE RIGHT OF THE PEOPLE TO RULE

(An Address by Theodore Roosevelt at Carnegie Hall, New York City, under the auspices of the Civic Forum, Wednesday evening, March 20, 1912.)

THE great fundamental issue now before the Republican party and before our people can be stated briefly. It is, Are the American people fit to govern themselves, to rule themselves, to control themselves? I believe they are. My opponents do not. I believe in the right of the people to rule. I believe that the majority of the plain people of the United States will, day in and day out, make fewer mistakes in governing themselves than any smaller class or body of men, no matter what their training, will make in trying to govern them. I believe, again, that the American people are, as a whole, capable of self-control and of learning by their mistakes. Our opponents pay lip-loyalty to this doctrine; but they show their real beliefs by the way in which they champion every device to make the nominal rule of the people a sham.

I have scant patience with this talk of the tyranny of the majority. Whenever there is tyranny of the majority, I shall protest against it with all my heart and soul. But we are to-day suffering from the tyranny of minorities. It is a small minority that is

grabbing our coal deposits, our water-powers, and our harbor fronts. A small minority is battening on the sale of adulterated foods and drugs. It is a small minority that lies behind monopolies and trusts. It is a small minority that stands behind the present law of master and servant, the sweat-shops, and the whole calendar of social and industrial injustice. It is a small minority that is to-day using our convention system to defeat the will of a majority of the people in the choice of delegates to the Chicago Convention. The only tyrannies from which men, women, and children are suffering in real life are the tyrannies of minorities.

If the majority of the American people were in fact tyrannous over the minority, if democracy had no greater self-control than empire, then indeed no written words which our forefathers put into the Constitution could stay that tyranny.

No sane man who has been familiar with the government of this country for the last twenty years will complain that we have had too much of the rule of the majority. The trouble has been a far different one — that, at many times and in many localities, there have held public office in the States and in the Nation men who have, in fact, served not the whole people, but some special class or special interest. I am not thinking only of those special interests which by grosser methods, by bribery and crime, have stolen from the people. I am thinking as much of their respectable allies and figureheads, who have ruled and legislated and decided as if in some way the vested rights of privilege had a first

mortgage on the whole United States, while the rights of all the people were merely an unsecured debt. Am I overstating the case? Have our political leaders always, or generally, recognized their duty to the people as anything more than a duty to disperse the mob, see that the ashes are taken away, and distribute patronage? Have our leaders always, or generally, worked for the benefit of human beings, to increase the prosperity of all the people, to give to each some opportunity of living decently and bringing up his children well? The questions need no answer.

Now, there has sprung up a feeling deep in the hearts of the people — not of the bosses and professional politicians, not of the beneficiaries of special privilege — a pervading belief of thinking men that when the majority of the people do in fact, as well as in theory, rule, then the servants of the people will come more quickly to answer and obey, not the commands of the special interests, but those of the whole people. To reach toward that end the Progressives of the Republican party in certain States have formulated certain proposals for change in the form of the state government — certain new "checks and balances" which may check and balance the special interests and their allies. That is their purpose. Now, turn for a moment to their proposed methods.

First, there are the "initiative and referendum," which are so framed that if the Legislatures obey the command of some special interest, and obstinately refuse the will of the majority, the majority may step in and legislate directly. No man would say that it was best to conduct all legislation by

direct vote of the people, — it would mean the loss of deliberation, of patient consideration, — but, on the other hand, no one whose mental arteries have not long since hardened can doubt that the proposed changes are needed when the Legislatures refuse to carry out the will of the people. The proposal is a method to reach an undeniable evil. Then there is the recall of public officers — the principle that an officer chosen by the people who is unfaithful may be recalled by vote of the majority before he finishes his term. I will speak of the recall of judges in a moment, — leave that aside, — but as to the other officers, I have heard no argument advanced against the proposition, save that it will make the public officer timid and always currying favor with the mob. That argument means that you can fool all the people all the time, and is an avowal of disbelief in democracy. If it be true, — and I believe it is not, — it is less important than to stop those public officers from currying favor with the interests. Certain States may need the recall, others may not; where the term of elective office is short, it may be quite needless; but there are occasions when it meets a real evil, and provides a needed check and balance against the special interests.

Then there is the direct primary, — the real one, not the New York one, — and that, too, the Progressives offer as a check on the special interests. Most clearly of all does it seem to me that this change is wholly good — for every State. The system of party government is not written in our Constitutions, but it is none the less a vital and essential

part of our form of government. In that system the party leaders should serve and carry out the will of their own party. There is no need to show how far that theory is from the facts, or to rehearse the vulgar thieving partnerships of the corporations and the bosses, or to show how many times the real government lies in the hands of the boss, protected from the commands and revenge of the voters by his puppets in office and the power of patronage. We need not be told how he is thus entrenched nor how hard he is to overthrow. The facts stand out in the history of nearly every State in the Union. They are blots on our political system. The direct primary will give the voters a method ever ready to use, by which the party leader shall be made to obey their command. The direct primary, if accompanied by a stringent corrupt practices act, will help break up the corrupt partnership of corporations and politicians.

My opponents charge that two things in my programme are wrong because they intrude into the sanctuary of the judiciary. The first is the recall of judges; and the second, the review by the people of judicial decisions on certain constitutional questions. I have said again and again that I do not advocate the recall of judges in all States and in all communities. In my own State I do not advocate it or believe it to be needed, for in this State our trouble lies not with corruption on the bench, but with the effort by the honest but wrong-headed judges to thwart the people in their struggle for social justice and fair-dealing. The integrity of our judges from Marshall to White and Holmes — and to Cullen

and many others in our own State — is a fine page of American history. But — I say it soberly — democracy has a right to approach the sanctuary of the courts when a special interest has corruptly found sanctuary there; and this is exactly what has happened in some of the States where the recall of the judges is a living issue. I would far more willingly trust the whole people to judge such a case than some special tribunal — perhaps appointed by the same power that chose the judge — if that tribunal is not itself really responsible to the people and is hampered and clogged by the technicalities of impeachment proceedings.

I have stated that the courts of the several States — not always but often — have construed the "due process" clause of the State Constitutions as if it prohibited the whole people of the State from adopting methods of regulating the use of property so that human life, particularly the lives of the workingmen, shall be safer, freer, and happier. No one can successfully impeach this statement. I have insisted that the true construction of "due process" is that pronounced by Justice Holmes in delivering the unanimous opinion of the Supreme Court of the United States, when he said: "The police power extends to all the great public needs. It may be put forth in aid of what is sanctioned by usage, or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare."

I insist that the decision of the New York Court of Appeals in the Ives case, which set aside the will of

the majority of the people as to the compensation of injured workmen in dangerous trades, was intolerable and based on a wrong political philosophy. I urge that in such cases where the courts construe the "due process" clause as if property rights, to the exclusion of human rights, had a first mortgage on the Constitution, the people may, after sober deliberation, vote, and finally determine, whether the law which the court set aside shall be valid or not. By this method can be clearly and finally ascertained the preponderant opinion of the people which Justice Holmes makes the test of "due process" in the case of laws enacted in the exercise of the police power. The ordinary methods now in vogue of amending the Constitution have in actual practice proved wholly inadequate to secure justice in such cases with reasonable speed, and cause intolerable delay and injustice, and those who stand against the changes I propose are champions of wrong and injustice, and of tyranny by the wealthy and the strong over the weak and the helpless.

So that no man may misunderstand me, let me recapitulate: —

(1) I am not proposing anything in connection with the Supreme Court of the United States, or with the Federal Constitution.

(2) I am not proposing anything having any connection with ordinary suits, civil or criminal, as between individuals.

(3) I am not speaking of the recall of judges.

(4) I am proposing merely that in a certain class of cases involving the police power, when a state court

has set aside as unconstitutional a law passed by the Legislature for the general welfare, the question of the validity of the law — which should depend, as Justice Holmes so well phrases it, upon the prevailing morality or preponderant opinion — be submitted for final determination to a vote of the people, taken after due time for consideration. And I contend that the people, in the nature of things, must be better judges of what is the preponderant opinion than the courts, and that the courts should not be allowed to reverse the political philosophy of the people. My point is well illustrated by a recent decision of the Supreme Court, holding that the court would not take jurisdiction of a case involving the constitutionality of the initiative and referendum laws of Oregon. The ground of the decision was that such a question was not judicial in its nature, but should be left for determination to the other coördinate departments of the Government. Is it not equally plain that the question whether a given social policy is for the public good is not of a judicial nature, but should be settled by the Legislature, or in the final instance by the people themselves?

The President of the United States, Mr. Taft, devoted most of a recent speech to criticism of this proposition. He says that it "is utterly without merit or utility, and, instead of being . . . in the interest of all the people, and of the stability of popular government, is sowing the seeds of confusion and tyranny." (By this he, of course, means the tyranny of the majority, that is, the tyranny of the American people as a whole.) He also says that my

proposal (which, as he rightly sees, is merely a proposal to give the people a real, instead of only a nominal, chance to construe and amend a State Constitution with reasonable rapidity) would make such amendment and interpretation "depend on the feverish, uncertain, and unstable determination of successive votes on different laws by temporary and changing majorities"; and that "it lays the axe at the root of the tree of well-ordered freedom, and subjects the guarantees of life, liberty, and property without remedy to the fitful impulse of a temporary majority of an electorate."

This criticism is really less a criticism of my proposal than a criticism of all popular government. It is wholly unfounded, unless it is founded on the belief that the people are fundamentally untrustworthy. If the Supreme Court's definition of "due process" in relation to the police power is sound, then an act of the Legislature to promote the collective interests of the community must be valid if it embodies a policy held by the prevailing morality or a preponderant opinion to be necessary to the public welfare. This is the question that I propose to submit to the people. How can the prevailing morality or a preponderant opinion be better and more exactly ascertained than by a vote of the people? The people must know better than the court what their own morality and their own opinion is. I ask that you, here, you and the others like you, you the people, be given the chance to state your own views of justice and public morality, and not sit meekly by and have your views announced for you by well-

meaning adherents of outworn philosophies, who exalt the pedantry of formulas above the vital needs of human life.

The object I have in view could probably be accomplished by an amendment of the State Constitutions taking away from the courts the power to review the Legislature's determination of a policy of social justice, by defining "due process of law" in accordance with the views expressed by Justice Holmes for the Supreme Court. But my proposal seems to me more democratic and, I may add, less radical. For under the method I suggest the people may sustain the court as against the Legislature, whereas, if "due process" were defined in the Constitution, the decision of the Legislature would be final.

Mr. Taft's position is the position that has been held from the beginning of our Government, although not always so openly held, by a large number of reputable and honorable men who, down at bottom, distrust popular government, and, when they must accept it, accept it with reluctance, and hedge it around with every species of restriction and check and balance, so as to make the power of the people as limited and as ineffective as possible. Mr. Taft fairly defines the issue when he says that our Government is and should be a government of all the people by a representative part of the people. This is an excellent and moderate description of an oligarchy. It defines our Government as a government of all the people by a few of the people. Mr. Taft, in his able speech, has made what is probably the best possible presentation

of the case for those who feel in this manner. Essentially this view differs only in its expression from the view nakedly set forth by one of his supporters, Congressman Campbell. Congressman Campbell, in a public speech in New Hampshire, in opposing the proposition to give the people real and effective control over all their servants, including the judges, stated that this was equivalent to allowing an appeal from the umpire to the bleachers. Doubtless Congressman Campbell was not himself aware of the cynical truthfulness with which he was putting the real attitude of those for whom he spoke. But it unquestionably is their real attitude. Mr. Campbell's conception of the part the American people should play in self-government is that they should sit on the bleachers and pay the price of admission, but should have nothing to say as to the contest which is waged in the arena by the professional politicians. Apparently Mr. Campbell ignores the fact that the American people are not mere onlookers at a game, that they have a vital stake in the contest, and that democracy means nothing unless they are able and willing to show that they are their own masters.

I am not speaking jokingly, nor do I mean to be unkind; for I repeat that many honorable and well-meaning men of high character take this view, and have taken it from the time of the formation of the Nation. Essentially this view is that the Constitution is a strait-jacket to be used for the control of an unruly patient — the people. Now, I hold that this view is not only false but mischievous, that our Constitutions are instruments designed to secure

justice by securing the deliberate but effective expression of the popular will; that the checks and balances are valuable as far, and only so far, as they accomplish that deliberation; and that it is a warped and unworthy and improper construction of our form of government to see in it only a means of thwarting the popular will and of preventing justice. Mr. Taft says that "every class" should have a "voice" in the government. That seems to me a very serious misconception of the American political situation. The real trouble with us is that some classes have had too much voice. One of the most important of all the lessons to be taught and to be learned is that a man should vote, not as a representative of a class, but merely as a good citizen, whose prime interests are the same as those of all other good citizens. The belief in different classes, each having a voice in the government, has given rise to much of our present difficulty; for whosoever believes in these separate classes, each with a voice, inevitably, even although unconsciously, tends to work, not for the good of the whole people, but for the protection of some special class — usually that to which he himself belongs.

The same principle applies when Mr. Taft says that the judiciary ought not to be "representative" of the people in the sense that the Legislature and the Executive are. This is perfectly true of the judge when he is performing merely the ordinary functions of a judge in suits between man and man. It is not true of the judge engaged in interpreting, for instance, the "due process" clause — where the judge is ascertaining the preponderant opinion of the people (as

Judge Holmes states it). When he exercises that function he has no right to let his political philosophy reverse and thwart the will of the majority. In that function the judge must represent the people or he fails in the test the Supreme Court has laid down. Take the Workmen's Compensation Act here in New York. The legislators gave us a law in the interest of humanity and decency and fair dealing. In so doing they represented the people, and represented them well. Several judges declared that law constitutional in our State, and several courts in other States declared similar laws constitutional, and the Supreme Court of the Nation declared a similar law affecting men in interstate business constitutional; but the highest court in the State of New York, the Court of Appeals, declared that we, the people of New York, could not have such a law. I hold that in this case the legislators and the judges alike occupied representative positions; the difference was merely that the former represented us well and the latter represented us ill. Remember that the legislators promised that law, and were returned by the people partly in consequence of such promise. That judgment of the people should not have been set aside unless it were irrational. Yet in the Ives case the New York Court of Appeals praised the policy of the law and the end it sought to obtain; and then declared that the people lacked power to do justice!

Mr. Taft again and again, in quotations I have given and elsewhere through his speech, expresses his disbelief in the people when they vote at the polls. In one sentence he says that the proposition gives

"powerful effect to the momentary impulse of a majority of an electorate and prepares the way for the possible exercise of the grossest tyranny." Elsewhere he speaks of the "feverish uncertainty" and "unstable determination" of laws by "temporary and changing majorities"; and again he says that the system I propose "would result in suspension or application of constitutional guarantees according to popular whim," which would destroy "all possible consistency" in constitutional interpretation. I should much like to know the exact distinction that is to be made between what Mr. Taft calls "the fitful impulse of a temporary majority" when applied to a question such as that I raise and any other question. Remember that under my proposal to review a rule of decision by popular vote, amending or construing, to that extent, the Constitution, would certainly take at least two years from the time of the election of the Legislature which passed the act. Now, only four months elapse between the nomination and the election of a man as President, to fill for four years the most important office in the land. In one of Mr. Taft's speeches he speaks of "the voice of the people as coming next to the voice of God." Apparently, then, the decision of the people about the Presidency, after four months' deliberation, is to be treated as "next to the voice of God"; but if, after two years of sober thought, they decide that women and children shall be protected in industry, or men protected from excessive hours of labor under unhygienic conditions, or wage-workers compensated when they lose life or limb in the service of others,

then their decision forthwith becomes a "whim" and "feverish" and "unstable" and an exercise of "the grossest tyranny" and the "laying of the axe to the root of the tree of freedom." It seems absurd to speak of a conclusion reached by the people after two years' deliberation, after threshing the matter out before the Legislature, after threshing it out before the governor, after threshing it out before the court and by the court, and then after full debate for four or six months, as "the fitful impulse of a temporary majority." If Mr. Taft's language correctly describes such action by the people, then he himself and all other Presidents have been elected by "the fitful impulse of a temporary majority"; then the Constitution of each State, and the Constitution of the Nation, have been adopted, and all amendments thereto have been adopted, by "the fitful impulse of a temporary majority." If he is right, it was "the fitful impulse of a temporary majority" which founded, and another fitful impulse which perpetuated, this Nation. Mr. Taft's position is perfectly clear. It is that we have in this country a special class of persons wiser than the people, who are above the people, who cannot be reached by the people, but who govern them and ought to govern them; and who protect various classes of the people from the whole people. That is the old, old doctrine which has been acted upon for thousands of years abroad; and which here in America has been acted upon sometimes openly, sometimes secretly, for forty years by many men in public and in private life, and I am sorry to say by many judges; a doctrine which

has in fact tended to create a bulwark for privilege, — a bulwark unjustly protecting special interests against the rights of the people as a whole. This doctrine to me is a dreadful doctrine; for its effect is, and can only be, to make the courts the shield of privilege against popular rights. Naturally, every upholder and beneficiary of crooked privilege loudly applauds the doctrine. It is behind the shield of that doctrine that crooked clauses creep into laws, that men of wealth and power control legislation. The men of wealth who praise this doctrine, this theory, would do well to remember that to its adoption by the courts is due the distrust so many of our wage-workers now feel for the courts. I deny that that theory has worked so well that we should continue it. I most earnestly urge that the evils and abuses it has produced cry aloud for remedy; and the only remedy is in fact to restore the power to govern directly to the people, and to make the public servant directly responsible to the whole people — and to no part of them, to no "class" of them.

Mr. Taft is very much afraid of the tyranny of majorities. For forty-five years here in New York State, in our efforts to get social and industrial justice, we have suffered from the tyranny of a small minority. We have been denied, now by one court, now by another, as in the Bakeshop case, where the courts set aside the law limiting the hours of labor in bakeries, — the "due process" clause again, — as in the Workmen's Compensation Act, as in the Tenement-House Cigar Factory case, — in all these and many other cases we have been denied by small

minorities, by a few worthy men of wrong political philosophy on the bench, the right to protect our people in their lives, their liberty, and their pursuit of happiness. As for "consistency" — why, the record of the courts, in such a case as the income tax, for instance, is so full of inconsistencies as to make the fear expressed of "inconsistency" on the part of the people seem childish.

Well-meaning, short-sighted persons have held up their hands in horror at my proposal to allow the people themselves to construe the Constitution which they themselves made. Yet this is precisely what the Association of the Bar of the City of New York proposed to do in the concurrent resolution which was introduced at their request in our Legislature on January 16 last, proposing to amend the State Constitution by a section reading as follows: "Nothing contained in this Constitution shall be construed to limit the powers of the Legislature to enact laws" such as the Workmen's Compensation Act. In other words, the New York Bar Association is proposing to appeal to the people to construe the Constitution in such a way as will directly reverse the court. They are proposing to appeal from the highest court of the State to the people. That is just what I propose to do; the difference is only one of method, not of purpose; my method will give better results, and will give them more quickly. The Bar Association by its action admits that the court was wrong, and sets to work to change the rule which it laid down. As Lincoln announced of the Dred Scott decision in his debates with Douglas: "Somebody has to reverse

that decision, since it is made, and we mean to reverse it, and we mean to do it peaceably." Was Lincoln wrong? Was the spirit of the Nation that wiped out slavery "the fitful impulse of a temporary majority"?

Remember, I am not discussing the recall of judges — although I wish it distinctly understood that the recall is a mere piece of machinery to take the place of the unworkable impeachment which Mr. Taft in effect defends, and that if the days of Maynard ever came back again in the State of New York I should favor it. I have no wish to come to it; but our opponents, when they object to all efforts to secure real justice from the courts, are strengthening the hands of those who demand the recall. In a great many States there has been for many years a real recall of judges as regards appointments, promotions, reappointments, and reëlections; and this recall was through the turn of a thumbscrew at the end of a long-distance rod in the hands of great interests. I believe that a just judge would feel far safer in the hands of the people than in the hands of those interests.

I stand on the Columbus speech. The principles there asserted are not new, but I believe that they are necessary to the maintenance of free democratic government. The part of my speech in which I advocated the right of the people to be the final arbiters of what is due process of law in the case of statutes enacted for the general welfare will ultimately, I am confident, be recognized as giving strength and support to the courts instead of being revolutionary and subversive. The courts to-day owe the country no

greater or clearer duty than to keep their hands off such statutes when they have any reasonably permissible relation to the public good. In the past the courts have often failed to perform this duty, and their failure is the chief cause of whatever dissatisfaction there is with the working of our judicial system. One who seeks to prevent the irrevocable commission of such mistakes in the future may justly claim to be regarded as aiming to preserve and not to destroy the independence and power of the judiciary.

My remedy is not the result of a library study of constitutional law, but of actual and long-continued experience in the use of governmental power to redress social and industrial evils. Again and again earnest workers for social justice have said to me that the most serious obstacles that they have encountered during the many years that they have been trying to save American women and children from destruction in American industry have been the courts. That is the judgment of almost all the social workers I know, and of dozens of parish priests and clergymen, and of every executive and legislator who has been seriously attempting to use government as an agency for social and industrial betterment. What is the result of this system of judicial nullification? It was accurately stated by the Court of Appeals of New York in the Employers' Liability case, where it was calmly and judicially declared that the people under our republican government are less free to correct the evils that oppress them than are the people of the monarchies of Europe. To any man with vision, to any man with broad and real social

sympathies, to any man who believes with all his heart in this great democratic republic of ours, such a condition is intolerable. It is not government by the people, but mere sham government in which the will of the people is constantly defeated. It is out of this experience that my remedy has come; and let it be tried in this field. When, as the result of years of education and debate, a majority of the people have decided upon a remedy for an evil from which they suffer, and have chosen a legislature and executive pledged to embody that remedy in law, and the law has been finally passed and approved, I regard it as monstrous that a bench of judges shall then say to the people: "*You must begin all over again.* First amend your Constitution [which will take four years]; second, secure the passage of a new law [which will take two years more]; third, carry that new law over the weary course of litigation [which will take no human being knows how long]; fourth, submit the whole matter over again to the very same judges who have rendered the decision to which you object. Then, if your patience holds out and you finally prevail, the will of the majority of the people may have its way." Such a system is not popular government, but a mere mockery of popular government. It is a system framed to maintain and perpetuate social injustice, and it can be defended only by those who disbelieve in the people, who do not trust them, and, I am afraid I must add, who have no real and living sympathy with them as they struggle for better things. In lieu of it I propose a practice by which the will of a majority of the people, when they have

determined upon a remedy, shall, if their will persists for a minimum period of two years, go straight forward until it becomes a ruling force of life. I expressly propose to provide that sufficient time be taken to make sure that the remedy expresses the will, the sober and well-thought-out judgment, and not the whim, of the people; but, when that has been ascertained, I am not willing that the will of the people shall be frustrated. If this be not a wise remedy, let those who criticize it propose a wise remedy, and not confine themselves to railing at government by a majority of the American people as government by the mob. To propose, as an alternative remedy, slight modifications of impeachment proceedings is to propose no remedy at all — it is to bid us be content with chaff when we demand bread.

The decisions of which we complain are, as a rule, based upon the constitutional provision that no person shall be deprived of life, liberty, or property without due process of law. The terms "life, liberty, and property" have been used in the constitutions of the English-speaking peoples since Magna Charta. Until within the last sixty years they were treated as having specific meanings; "property" meant tangible property; "liberty" meant freedom from personal restraint, or, in other words, from imprisonment in its largest definition. About 1870 our courts began to attach to these terms new meanings. Now "property" has come to mean every right of value which a person could enjoy, and "liberty" has been made to include the right to make contracts. As a

result, when the State limits the hours for which women may labor, it is told by the courts that this law deprives them of their "liberty"; and when it restricts the manufacture of tobacco in a tenement, it is told that the law deprives the landlord of his "property." Now, I do not believe that any people, and especially our free American people, will long consent that the term "liberty" shall be defined for them by a bench of judges. Every people has defined that term for itself in the course of its historic development. Of course, it is plain enough to see that, in a large way, the political history of man may be grouped about these three terms, "life, liberty, and property." There is no act of government which cannot be brought within their definition, and if the courts are to cease to treat them as words having a limited, specific meaning, then our whole government is brought under the practically irresponsible supervision of judges. As against that kind of a government I insist that the people have the right, and can be trusted, to govern themselves. This our opponents deny; and the issue is sharply drawn between us.

If my critics would only show the same sober judgment of which they declare the people at large to be incapable, they would realize that my proposal is one of moderation and common sense. I wish to quote the remarks of William Draper Lewis, Dean of the Law School of the University of Pennsylvania: —

"To a lawyer the most interesting suggestion Colonel Roosevelt has made is to allow the people, after consideration, to reënact legislation which a

court decision has declared is contrary to some clause in the existing State Constitution.

"Any one who has been asked to draft specific amendments to State Constitutions will hesitate to condemn, without serious consideration, the suggestion made by Colonel Roosevelt. To take a concrete instance: The New York Court of Appeals declared the Workmen's Compensation Act, passed by the New York Legislature, unconstitutional, as depriving in its operation the employer of his property without due process of law. A number of amendments to the New York Constitution, designed to validate a compensation act, have been drafted, and it is not unlikely that one of them will be adopted. Personally, one or more of these amendments having been shown to me, I cannot but feel that constitutional amendments, designed to meet particular cases, run the danger of being so worded as to produce far-reaching results not anticipated or desired by the people. Colonel Roosevelt's suggestion avoids this difficulty and danger. If a persistent majority of the people of New York State want a workmen's compensation act, they should have it. But, in order to obtain it, they should not be driven to pass an amendment to their State Constitution, which may have effects which they do not anticipate or desire. Let them pass on the act, as passed by the Legislature, after a full knowledge that their highest court has unanimously expressed its opinion that the act is contrary to the Constitution which the people at a prior election have declared to be their fundamental law.

"I may not always approve of what the persistent majority wants. I might sometimes think the measure unwise. But that does n't alter the right of that majority to enforce its will in government. The Roosevelt idea, it seems to me, supplies an instrument by which that majority can enforce its will in the most conservative way. It makes explosions unnecessary.

"I would have been very proud to have been the author of that plan, although I want to emphasize the fact that it involves no new principle, only a new method.

"I don't mind saying, however, that I think it unfortunate that it should have been proposed by Colonel Roosevelt. He is a man of such marked characteristics, and his place in the political world is such, that he arouses intense enthusiasm on the one hand, and intense animosity on the other. Because of this, the great idea which he has propounded is bound to be beclouded, and its adoption to be delayed. It is a pity that anything so important should be confounded with any man's personality."

As regards the Dean's last paragraph, I can only say that I wish somebody else whose suggestions would arouse less antagonism *had* proposed it; but nobody else *did* propose it, and so I *had* to. I am not leading this fight as a matter of æsthetic pleasure. I am leading because somebody must lead, or else the fight would not be made at all.

I prefer to work with moderate, with rational, conservatives, provided only that they do in good faith strive forward toward the light. But when they halt

and turn their backs to the light, and sit with the scorners on the seats of reaction, then I must part company with them. We the people cannot turn back. Our aim must be steady, wise progress. It would be well if our people would study the history of a sister republic. All the woes of France for a century and a quarter have been due to the folly of her people in splitting into the two camps of unreasonable conservatism and unreasonable radicalism. Had pre-Revolutionary France listened to men like Turgot, and backed them up, all would have gone well. But the beneficiaries of privilege, the Bourbon reactionaries, the short-sighted ultra-conservatives, turned down Turgot; and then found that instead of him they had obtained Robespierre. They gained twenty years' freedom from all restraint and reform, at the cost of the whirlwind of the red Terror; and in their turn the unbridled extremists of the Terror induced a blind reaction; and so, with convulsion and oscillation from one extreme to another, with alternations of violent radicalism and violent Bourbonism, the French people went through misery toward a shattered goal. May we profit by the experiences of our brother republicans across the water, and go forward steadily, avoiding all wild extremes; and may our ultra-conservatives remember that the rule of the Bourbons brought on the Revolution, and may our would-be revolutionaries remember that no Bourbon was ever such a dangerous enemy of the people and of freedom as the professed friend of both, Robespierre. There is no danger of a revolution in this country; but there is grave discontent and unrest,

and in order to remove them there is need of all the wisdom and probity and deep-seated faith in, and purpose to uplift, humanity, we have at our command.

Friends, our task as Americans is to strive for social and industrial justice, achieved through the genuine rule of the people. This is our end, our purpose. The methods for achieving the end are merely expedients, to be finally accepted or rejected according as actual experience shows that they work well or ill. But in our hearts we must have this lofty purpose, and we must strive for it in all earnestness and sincerity, or our work will come to nothing. In order to succeed we need leaders of inspired idealism, leaders to whom are granted great visions, who dream greatly and strive to make their dreams come true; who can kindle the people with the fire from their own burning souls. The leader for the time being, whoever he may be, is but an instrument, to be used until broken and then to be cast aside; and if he is worth his salt, he will care no more when he is broken than a soldier cares when he is sent where his life is forfeit in order that the victory may be won. In the long fight for righteousness the watchword for all of us is, Spend and be spent. It is of little matter whether any one man fails or succeeds; but the cause shall not fail, for it is the cause of mankind. We, here in America, hold in our hands the hope of the world, the fate of the coming years; and shame and disgrace will be ours if in our eyes the light of high resolve is dimmed, if we trail in the dust the golden hopes of men. If on this new continent we merely build another country of great but unjustly divided ma-

terial prosperity, we shall have done nothing; and we shall do little if we merely set the greed of envy against the greed of arrogance, and thereby destroy the material well-being of all of us. To turn this Government either into government by a plutocracy or government by a mob would be to repeat on a larger scale the lamentable failures of the world that is dead. We stand against all tyranny, by the few or by the many. We stand for the rule of the many in the interest of all of us, for the rule of the many in a spirit of courage, of common sense, of high purpose; above all, in a spirit of kindly justice toward every man and every woman. We not merely admit, but insist, that there must be self-control on the part of the people, that they must keenly perceive their own duties as well as the rights of others; but we also insist that the people can do nothing unless they not merely have, but exercise to the full, their own rights. The worth of our great experiment depends upon its being in good faith an experiment — the first that has ever been tried — in true democracy on the scale of a continent, on a scale as vast as that of the mightiest empires of the Old World. Surely this is a noble ideal, an ideal for which it is worth while to strive, an ideal for which at need it is worth while to sacrifice much; for our ideal is the rule of all the people in a spirit of friendliest brotherhood toward each and every one of the people.

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